

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Amendment of the Commission's Rules to Promote Aviation Safety*, WT Docket No. 19-140; *WiMAX Forum Petition to Adopt Service Rules for the Aeronautical Mobile Airport Communications System (AeroMACS)*, RM-11793; *Petition of Sierra Nevada Corporation for Amendment of the Commission's Rules to Allow for Enhanced Flight Vision System Radar under Part 87*, RM-11799; *Petition of Aviation Spectrum Resources, Inc. for Amendment of Sections 87.173(b) and 87.263(a) of the FCC's Rules to Allow Use of the Lower 136 MHz Band by Aeronautical Enroute Stations*, RM-11818; *Petition of Airports Council International-North America Regarding Aeronautical Utility Mobile Stations*, RM-11832

I will vote in favor of initiating a new proceeding to update our rules pertaining to aviation radio services, which facilitate the movement of aircraft in flight and on the ground. The interest in deploying state-of-the-art spectrum-based technologies, such as 5G, Wi-Fi 6, ATSC 3.0, and enormous NGSO constellations, does not end with our communications providers, but also permeates other U.S. industries seeking to increase productivity, efficiency, functionality, and safety. Most of us have been caught up in flight delays caused by various glitches, such as lagging flight route information or even brushes between planes and ground vehicles, so I am supportive of harnessing wireless solutions to reduce such incidents, not to mention more serious accidents.

While the frequencies that will support most of these new or expanded aviation systems were previously allocated and are already in use, the Notice proposes to allow Enhanced Flight Vision System radar in the 92 to 95.5 GHz range. It is expected, however, that this system will be able to co-exist with other users in the band. If, for some reason, this turns out not to be the case and they ultimately need protection, the Commission will need to take steps to ensure that the spectrum is efficiently used and does not lay fallow for years on end. We must make clear that we will not protect potential uses, even if well-intended, that do not come to fruition.