

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Expanding Access to Mobile Wireless Services) WT Docket No. 13-301
Onboard Aircraft) (Terminated)

ORDER
(Terminating Proceeding)

Adopted: November 24, 2020

Released: November 27, 2020

By the Commission:

1. By this Order, we terminate the above-captioned rulemaking proceeding.1 On December 12, 2013, the Commission adopted a Notice of Proposed Rulemaking in the above-captioned docket proposing to revise its rules governing mobile communications services aboard airborne aircraft, and to permit inflight voice and/or data services via mobile wireless frequencies subject to certain conditions.2 Based on the record in response to the Commission’s proposals, we decline to pursue, and hereby close, this rulemaking proceeding.

2. The record is insufficient to determine any reasonable solution that would strike an appropriate balance of competing interests. There is strong opposition to the Commission’s proposals from many commenters in this proceeding, including our nation’s airline pilots and flight attendants, who argue that it “fail[s] to address significant safety and national security concerns.”3 A number of commenters argue that the results of international studies and operations may not adequately reflect whether onboard mobile operations can be safely permitted in the United States, and that rigorous technical studies based on U.S.-specific standards remain necessary.4 And, although there is some support for expanding access from a variety of entities, commenters vary dramatically as to approach.5

1 See generally, Expanding Access to Mobile Wireless Services Onboard Aircraft, WT Docket No. 13-301, Notice of Proposed Rulemaking, 28 FCC Rcd 17132 (2013).

2 Id. Specifically, inflight mobile wireless communications services would have been permitted where an aircraft is equipped with a specialized picocell or other platform designed to minimize the risk of interference to terrestrial wireless networks. Provision of such services would have been limited to altitudes above 10,000 feet.

3 Letter from Sara Nelson, International President, Association of Flight Attendants – CWA, AFL-CIO, to Ajit Pai, Chairman, FCC, WT Docket No. 13-301 (Mar. 7, 2017); see, e.g., Airline Pilots Association International Comments at 1-2; Association of Professional Flight Attendants Comments at 1; AT&T Services, Inc., Reply Comments at 3-6; Gogo, Inc. Reply Comments at 1-4; Safety and Security in the Air Coalition Reply Comments at 2-20; and Transport Workers Union of America, AFL-CIO Comments at 1-3.

4 See, e.g., AT&T Reply Comments at 4-5; CTIA-The Wireless Association Reply Comments at 2-5; Panasonic Reply Comments at 23; T-Mobile USA, Inc. Reply Comments at 12-13; Verizon Reply Comments at 3-5.

5 See, e.g., Aeromobile Communications Ltd. Comments at 11-31, Appendix, Reply Comments at 8-30; Airlines for America Comments at 4-10, Reply Comments at 2-3; Aviation Spectrum Resources, Inc. (ASRI) Comments at 2-6;

(continued....)

3. We find that, given the state of the record, it would not serve the public interest or be a wise use of the agency's limited resources to continue to pursue this rulemaking proceeding as contemplated in the above-captioned docket.⁶

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(j), 303(r) and (y), 308, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(j), 303(r), 303(y), 308, 309, 332, this proceeding in WT Docket No. 13-301 is HEREBY TERMINATED, effective immediately upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

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The Boeing Company Comments at 4-21, Reply Comments at 2-8; Consumer Electronics Association Comments at 4-8; Competitive Enterprise Institute Comments at 1-7; Inmarsat PLC, Viasat, Inc., SES Americom, Inc., Hughes Network Services, L.L.C., and Intelsat Corporation Joint Comments at 2-4; OnAir S.A. Comments at 3-34; Panasonic Avionics Corporation (Panasonic) Comments at 5-22, Reply Comments at 3-18; Row 44 Comments at 3-7; Satellite Industry Association Comments at 3; Telecommunications Industry Association (TIA) Comments at 7-12; TIA, Information Technology Industry Council, and CEA Joint Reply Comments at 3-6; Virgin Atlantic Airways Ltd Comments at 1-3.

⁶ We also note that, in 2018, Congress passed the FAA Reauthorization Act of 2018, which requires the Department of Transportation to issue regulations prohibiting an individual on an aircraft from using a mobile device for voice communications during a scheduled passenger flight. FAA Reauthorization Act of 2018, Pub. L. No. 115-254 § 403, 132 Stat. 3186, 3328-3329 (codified at 49 U.S.C. § 41725).