

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
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AURA Network Systems OpCo, LLC and ) WT Docket No. 20-185  
A2G Communications, LLC )  
Request for Waiver of 450 MHz General Aviation )  
Air-Ground Radiotelephone Service Rules )

To: Chief, Wireless Telecommunications Bureau

**COMMENTS  
OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its response to the Public Notice seeking comment on the Waiver Request<sup>1</sup> filed jointly by AURA Network Systems OpCo, LLC (“Aura”) and A2G Communications, LLC (“A2G”) (collectively, “Petitioners.”)<sup>2</sup> The Waiver Request seeks relief from certain rules governing the 450 MHz channels assigned for Air-Ground Radiotelephone Automated Service (“AGRAS”) use. Petitioners describe these rules as impeding their ability to deploy a modernized nationwide AGRAS network with the ability to serve the broadest base of subscribers utilizing general aviation aircraft, including increasingly important Unmanned Aircraft Systems (“UAS”). EWA supports the Waiver Request, which it believes is consistent with the Commission’s commitment

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<sup>1</sup> Aura Network Systems OpCo, LLC and A2G Communications, LLC, Request for Waiver (filed June 12, 2020) (“Waiver Request”).

<sup>2</sup> *Wireless Telecommunications Bureau Seeks Comment on Request for Waiver of 450 MHz General Aviation Air-Ground Radiotelephone Service Rules to Permit Service to Unmanned Aircraft Systems*, WT Docket No. 20-185, DA 20-659 (rel. June 24, 2020) (“Public Notice”).

to accelerate the process whereby innovation and investment in more advanced technology can be brought to market and spectrum can be deployed for its highest and best use.<sup>3</sup>

**I. MANY OF THE NATION’S BUSINESSES REQUIRE ACCESS TO RELIABLE, AFFORDABLE UAS SERVICE AS PART OF THEIR WIRELESS CAPABILITIES.**

EWA’s members include a wide variety of business enterprise users, both large and small. It represents wireless interests of utilities, pipelines, transportation providers, manufacturing facilities, agricultural enterprises, tower operators, radio sales and service providers, and a host of other businesses. While all of these companies utilize commercial wireless services for certain applications, they also deploy private networks to address their specialized requirements, to ensure secure, reliable, and primary access to service, and to provider coverage in areas where commercial service is limited or unavailable.

These private networks generally are terrestrial. However, EWA recognizes that UAS increasingly will be an essential capability for many of these entities. The ability to survey equipment and operations in sufficient proximity to identify issues, preferably in advance but also to assess damage after the fact, without having to send a human to what may be remote and/or hazardous locales is a game-changer for these organizations. This was true even before the current pandemic but has become even more critical at a time when travel is difficult, when physical contact is to be avoided, and when many Americans are being encouraged or even directed to remain as isolated as possible. UAS is becoming an integral part of the nation’s aviation service at a most opportune time.

This interest in UAS is confirmed by the letters already filed in support of the Waiver Request. UAS test sites from Arizona, Maryland, and North Dakota all have expressed

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<sup>3</sup> See, e.g., Ajit Pai, *The Need for Speed* (July 15, 2020), <https://www.fcc.gov/news-events/blog/2020/07/15/need-speed>.

enthusiastic support for grant of the Waiver Request.<sup>4</sup> Metro Aviation, Inc. has stated that it is considering using this 450 MHz AGRAS network for its air medical transport operations throughout the country.<sup>5</sup> Northeast UAS Airspace Integration Research (“NUAIR”) is focused on beyond-visual-line-of-sight (“BVLOS”) capabilities and considers this network a new solution to address BVLOS requirements.<sup>6</sup> The Choctaw Nation of Oklahoma (“CNO”) is working with the FAA, the DOT, other government agencies, and a variety of organizations, including utilities and educational institutions, in exploring technologies to advance the UAS, as well as the Urban Air Mobility (“UAM”) and Advanced Air Mobility (“AAM”) fields. It has identified the 450 MHz AGRAS network described in the Waiver Request as a promising option, particularly for rural areas where telecommunications infrastructure is highly limited.<sup>7</sup>

For these reasons, EWA encourages the FCC and the FAA to promote the development of UAS in a variety of bands. UAS is not a one-size-fits-all service. Different applications will require different functionalities. The nationwide network proposed by Petitioners will be able to support command and control and other non-payload communications and should prove particularly appealing to the business community for several reasons. The AGRAS spectrum is licensed, thereby providing a level of protection from interference that is essential for entities providing critical services to the American public such as utilities, pipelines, transportation services and others. The network will be purpose-built for aviation service; it will not be shared by cellular or other operations. Importantly, the UHF AGRAS channels have excellent propagation and will offer superior BVLOS capability on an economical basis. The types of enterprises identified above - pipelines, nationwide transportation providers, farming operations,

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<sup>4</sup> See Comments of Phoenix Air Unmanned, LLC, University of Maryland UAS Test Site, and Northern Plains UAS Test Site.

<sup>5</sup> Comments of Metro Aviation, Inc.

<sup>6</sup> Comments of NUAIR.

<sup>7</sup> Comments of Choctaw Nation of Oklahoma.

and utilities – often cover very large geographic areas for which BVLOS is essential from a cost and utility perspective if UAS is to be a useful communications tool. Approval of the Waiver Request would enable these companies to improve the safety and efficiency of their operations, particularly in the most rural areas of the country, and thereby serve the interest of the public that relies on them to deliver essential services on a daily basis.

## **II. THE PETITIONERS HAVE DEMONSTRATED WHY WAIVER RELIEF IS ESSENTIAL TO THE DELIVERY OF A MODERNIZED GENERAL AVIATION SERVICE.**

For the reasons described above, EWA supports whatever waiver relief the FCC considers necessary to allow this aviation allocation to be used for UAS as well as voice communications with manned general aviation aircraft. This is a logical response to technology advances that often exceed the pace of regulatory changes.

The other provisions identified in the Waiver Request, FCC Rule Sections 22.809 and 22.813, also are appropriate for relief. The FCC already has authorized A2G, and by extension its lessee Aura, to build a modern, nationwide network for general aviation air-ground service.<sup>8</sup> Both Rule Sections are reflective of the air-ground service as it was envisioned decades ago and have not been updated in response to either technology changes or to the FCC-approved concept of a nationwide network deployed and operated by a single entity.

A2G is the only licensee of this 650 kHz of spectrum.<sup>9</sup> The very few other AGRAS licensees in recent decades have affirmatively canceled their authorizations or allowed them to expire. As such, there can be no competitive harm or disadvantage in waiving rules developed

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<sup>8</sup> *Joint Request by Stratophone, LLC and SkyTel Spectrum, LLC for Waiver of Certain Air-to-Ground Radiotelephone Service Licensing Rules for General Aviation*, WT Docket No. 09-44, Order, 25 FCC Rcd 8581 (2010). Stratophone and SkyTel created A2G Communications, LLC after the FCC's action and assigned all their AGRAS licenses to that entity.

<sup>9</sup> An AURA officer holds one license in Alaska. Waiver Request at n. 7.

in a different market environment, rules that otherwise would severely hamper the Petitioners in building out the more advanced nationwide network endorsed by the Commission.

As explained in the Waiver Request, the FCC possesses and has chosen to use its broad authority to proceed by waiver versus rulemaking when it determines that doing so would serve the public interest.<sup>10</sup> This is such a situation. It involves a single licensee/lessee in a relatively dormant band and a scant 650 kHz of spectrum, a miniscule allocation in today's largely broadband environment. The Commission has many pressing and time-consuming matters for which it is responsible. Even if the resources required to conduct a rulemaking could be justified, which EWA questions, the time involved would significantly delay the availability of the nationwide network the FCC has approved and a UAS option that the business and aviation communities need as soon as possible. The public interest would be ill-served by denying the limited waiver relief the Petitioners have requested.

### **III. CONCLUSION**

The Waiver Request presents compelling arguments for allowing this very small amount of spectrum to play an important role in advancing UAS capabilities for critical segments of the American economy. EWA urges the Commission to grant the relief requested and to do so expeditiously, consistent with the time urgency detailed in the Waiver Request.

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<sup>10</sup> Waiver Request at 7-10.

Respectfully submitted,

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