



The Honorable John D. Rockefeller
 Chairman
 Commerce, Science & Transportation Committee
 United States Senate
 Washington, DC 20510

The Honorable Kay Bailey Hutchison
 Ranking Member
 Commerce, Science & Transportation Committee
 United States Senate
 Washington, DC 20510

April 28, 2010

Dear Senators:

Now that the U.S. Senate has passed its Federal Aviation Administration (FAA) Reauthorization bill, and both chambers are moving to reconcile differences between their two bills, we would like to express our concern regarding a provision in the House-passed legislation. The House bill includes a provision that would impose a permanent legislative ban all voice communications on U.S. commercial flights. There is no record justification for such a prohibition, which would put the United States at a competitive disadvantage to the rest of the world, where in-flight communications are *already* widely deployed. We instead support the approach in the Senate bill, which does not include the ban language.

Passenger use of cell phones on commercial flights is now commonplace all over the world – except in the United States. There are 20,000 commercial flights monthly on 20 different airlines, to over 280 destinations in 72 nations, which have aircraft equipped with inflight connectivity. As a result, over 2,300,000 passengers per month are exposed to inflight voice services while in the air. In 2009 over 100,000 flights offered this service - without any complaints from fellow passengers.

Indeed, passengers view the service as a positive enhancement to the flight experience for airline passengers; 93% of passengers on those equipped aircraft wish all flights had in-flight communication service available. This successful experience is due to the effective steps that airlines and in-flight communication services providers have taken to ensure that passengers who choose to communicate while in flight do not impact fellow passengers. As a result, passengers have accepted this capability as a natural and desirable evolution of communication connectivity.

These in-flight systems raise no safety issues, and do not interfere with either the aircraft's avionics or the terrestrial communication systems. The inflight system is absolutely safe and has been certified on numerous aircraft by the European Aviation Safety Agency (the FAA's European equivalent). The successful deployment of inflight telecommunications services abroad was done after extensive interaction and coordination with the relevant aviation, communications and security agencies. It meets all applicable standards, requirements and protocols.

We hope Congress will encourage this new innovative form of communication connectivity and support this new marketplace, which is projected to reach \$1.6 billion annually globally. American companies should be leaders in this market, not banned from participating. A ban would also have the perverse effect of picking a marketplace winner, preserving the seatback phones currently deployed on some U.S. commercial aircraft as only one way communication (outgoing calls), while preventing the opportunity for passengers to receive incoming calls to their personal mobile devices. Additionally, a ban on Voice over Internet Protocol (VOIP) telephony would be unenforceable on U.S flights where wireless broadband is deployed on aircraft.

Should the FAA legislation not address the ban (as is the case with the Senate bill), there is a lengthy regulatory process that would still have to take place at both the Federal Aviation Administration and the Federal Communications Commission before any in-flight wireless communications could be permitted on U.S. flights. Congress will of course have an opportunity to participate in the process as these regulatory bodies exercise their expertise and authority.

We believe that Congress should only ban technologies or behaviors when the health and safety of the public is clearly at risk. There is no empirical data which shows that in-flight passenger conversations are hazardous. We are hopeful that when the FAA bill is finalized, Congress will allow U.S passengers to enjoy the same conveniences and services as those who travel throughout the rest of the world. We urge the Congress to adopt the Senate approach in the final FAA bill which does not ban in-flight voice and VOIP communications.

Sincerely,



Michael Petricone
Sr. Vice President,
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Jot Carpenter
Vice President,
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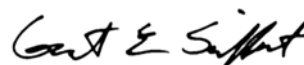
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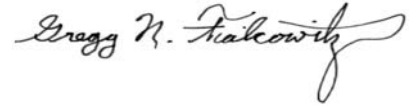
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