



421 Aviation Way
Frederick, Maryland 21701

T. 301-695-2000
F. 301-695-2375

www.aopa.org

June 24, 2010

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Review of Part 87 of the Federal Communications Commission's Rules
Concerning the Aviation Radio Service: Third Report and Order: ELTs Operating
on the Frequency 121.5 MHz, Released June 15, 2010**

Ms. Dortch,

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of more than 415,000 pilots in the United States. AOPA's mission is to effectively serve the interests and needs of its members as aircraft owners and pilots and establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft. AOPA submits the following comments to Federal Communications Commission's Rules Concerning the Aviation Radio Service: Third Report and Order: ELTs Operating on the Frequency 121.5 MHz, Released June 15, 2010.

**AOPA Opposes the FCC's Prohibition of the Certification, Manufacture,
Importation, Sale or Continued Use of 121.5 MHz ELTs**

AOPA continues to oppose any mandate that would require aircraft owners to replace their existing 121.5 MHz ELTs with 406 MHz ELTs. The FCC should delay publishing this rule in the Federal Register and rescind the rule and engage the aviation industry to determine the true impact, with negligible benefit, that the prohibition on 121.5 MHz ELTs would cause.

Summary of FCC Rule

On June 15, 2010 the FCC released, but has not published in the Federal Register, a rule, that if enacted, would prohibit the certification, manufacture, importation, sale or continued use of 121.5 MHz ELTs.

Cost/Benefit Economic Impact

The majority of general aviation aircraft are currently equipped with a 121.5 MHz ELT in order to comply with 14 CFR 91.207 which requires general aviation aircraft to carry a fixed ELT. If this FCC rule is enacted, all of those aircraft will need to upgrade to the

406 MHz ELT within the next sixty days. Financially, that equates to approximately 200,000 aircraft at an approximate cost of \$1000 to \$1500 per aircraft or \$300,000,000 for the entire fleet. Logistically, transitioning a fleet of 200,000 aircraft to a new piece of equipment that requires the removal of old and installation of new equipment is an impossible feat. The economic impact to the aviation industry is significant and has not been evaluated by FCC.

121.5 MHz ELT Technology is Not Obsolete

The technology of the 121.5 MHz ELT transmitters is not obsolete just because they are no longer being monitored by satellites. They are continuously monitored by military towers, most civil towers, FSSs, radar facilities and overflying aircraft. The Airman's Information Manual encourages pilots to monitor 121.5 MHz and/or 243.0 MHz while inflight to assist in identifying possible emergency ELT transmissions. The 121.5 MHz ELT provides a direction finding signal from downed aircraft and 121.5 is still actively used as a voice distress frequency. AOPA supports and is taking an active role in educating the pilot community on the benefits and limits of 121.5 and 406 MHz ELTs. We are also educating pilots and aircraft owners on other technology such as personal locator beacons (PLBs) and cell phones equipped with a global positioning system (GPS) receiver, both of which provide a locator signal that can be tracked. Pilots are encouraged to use flight following and file flight plans which would not only alert authorities of an overdue or missing aircraft but would also provide the aircraft track for positioning information.

Individual aircraft owners and operators are best positioned to evaluate their unique flight profiles and determine which ELT offers the appropriate amount of protection in the unlikely event of an accident.

Future Enhancements Affect Current Decisions

It is also important to note that as the United States Federal Aviation Administration (FAA) transitions to the Next Generation Air Traffic Control System (NextGen) and specifically to Automatic Dependant Surveillance – Broadcast (ADS-B), the benefits of the 406 MHz ELTs may be negated. ADS-B is already in use in portions of the United States and will provide improved flight tracking service for aircraft. In addition to providing updated flight tracking information *every second*, ADS-B also provides the aircraft registration number to air traffic control (ATC). In the event of an emergency, ATC would be able to provide the last known aircraft position, to within one second, to rescuers; an area that, depending on the aircraft's speed, may be much smaller than the current search area provided by a 406 MHz unit. The FAA has mandated equipage of ADS-B with an expected compliance date of 2020. It is anticipated that ADS-B would be mandated for airspace that currently requires a Mode C transponder, which would result in an equipage rate of over 85 percent of U.S. aircraft.

FCC Rule is Contradictory and Impossible to Follow

All ELTs including those that transmit on 406 MHz (GPS-based, registered and High-precision registered) both usually include an auxiliary 25 milliwatt beacon at 121.5 MHz to guide rescue aircraft and allow search and rescue personnel to "home" into the specific

location. If this rule is enacted and prohibits the certification, manufacture, importation, sale or continued use of 121.5 MHz ELTs, it would in effect prohibit all ELTs currently available to aircraft owners.

The majority of general aviation aircraft currently comply with 14 CFR Part 91.207 requirement to carry a fixed ELT by use of a 121.5 MHz ELT. If enacted as written without clarification, this rule could negate all of those ELTs and immediately thrust pilots into violation of the FCC regulations. This rule could potentially ground nearly the entire general aviation fleet since no existing ELT that is approved by the applicable FAA Technical Standards Orders would meet the requirements of the new rule. The FCC has not coordinated any effort to phase in the 406 MHz ELT with the FAA for harmonization between regulations.

Summary

The association strongly opposes any attempt to require the replacement of existing 121.5 MHz ELTs with 406 MHz units. **The FCC should delay publishing this rule in the Federal Register, rescind the rule and engage the aviation industry to determine the true impact, with negligible benefit, that the prohibition on 121.5 MHz ELTs would cause.**

Sincerely,



Robert E. Hackman
Vice President, Regulatory Affairs
Aircraft Owners and Pilots Association

cc: Jeffrey Tobias
Mobility Division
Wireless Telecommunications Bureau
445 12th Street SW
Washington, DC 20554