

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

In the Matter of)
)
Amendment of Part 80 of the Commission's) RM-11765
Rules Concerning Maritime Communications)
)
To: The Commission)

**EX PARTE COMMENTS
OF
ICOM AMERICA, INC.**

Icom America, Inc. ("Icom"), through counsel and pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. §1.1206, hereby respectfully submits the following Ex Parte Comments in the above-captioned proceeding.

The Commission's proceeding is in response to a Petition for Rulemaking submitted by the Radio Technical Commission for Maritime Services ("RTCM"), which requested a comprehensive rewrite and streamlining of Part 80 of the Commission's Rules as such rules relate to Maritime Services, and align those Rules with current International Standards. Icom supports this rewrite, and herein provides Comments on one aspect of the review and proposed changes.

I. BACKGROUND

Icom America, Inc.

Icom America's parent company, Icom, Inc., was founded in 1954 by Tokuzo Inoue in Osaka, Japan. Icom, Incorporated is a publicly held Japanese corporation; its stock is traded on the Tokyo and Osaka Stock Exchange. Icom, Inc. began as an

engineering and manufacturing company in the business of designing, engineering, and manufacturing highly advanced, compact solid-state radio equipment for use in the Amateur industry. The company's product line has since expanded to include communications equipment and products based in the Marine, Avionics and Land Mobile industries.

Icom Inc. has sales offices and branch offices all over the world, including Australia, Germany, France, United Kingdom, Spain, Canada and the United States. Icom America is Icom Inc.'s largest subsidiary company and is the U.S. distributor for its products. Icom America was incorporated in October of 1979 and has continued to gain market share in each of its five major divisions: Amateur, Aviation, Land Mobile, Marine and Receivers.

Land Mobile:

Icom joined the land mobile industry approximately thirty years ago. This equipment is used in such areas as fire, public safety activities, as well as security, construction and farming communication. Icom currently supplies the radio system used by the U.S. Army for inter-squad communication known as the Soldier Intercom System.

Icom has taken steps to improve spectrum availability for public safety licensees in the 150 MHz band. Specifically, on June 16, 2004, Icom filed a Petition for Rule Making with the Commission which sought to re-allocate the presently unused 150 MHz Part 22 channels to public safety operation.

Amateur:

Icom is one of three companies who dominate the worldwide amateur radio market. Currently, Icom enjoys a significant market share position in the amateur

business, both worldwide and in the U.S. Currently, Icom makes amateur radio products for use in long and short-range communications. Icom also makes advanced technology products allowing worldwide communication relayed through space satellites owned by amateur organizations and manufactures a series of short-wave receivers used for hobby, industrial and government applications.

Aviation:

Icom has introduced aircraft handheld, mobile and base radios for use onboard and in field aviation use. These radios are used as primary ground communication as well as ground to air and backup aircraft communication equipment. Icom introduced the first navigation handheld, which also provides navigation information and direction location information.

Marine:

Icom has successfully introduced a series of communications equipment for use in the marine industry. Icom's equipment includes long range, ship-to-shore, side band transceivers for worldwide communications from shipboard operations as well as short range VHF communications equipment. In addition, Icom has produced a series of highly advanced, very compact, handheld transceivers for use in communication on marine vessels as well as between marine vessels and shore-to marine applications. While Icom enjoys significant market share in the industry (top three position) Icom has also won numerous awards for its marine VHF radios as decided and voted by the marine dealers Independent Dealer Association - NMEA. This is a highly prestigious award and reflects the industry's confidence in Icom's handheld technology and quality.

Marine Global Maritime Distress and Safety System

Icom's Comments herein are limited to the proposed changes to the Global Maritime Distress and Safety System ("GMDSS"). GMDSS is a ship-to-shore and ship-to-ship distress communications system using satellite and Digital Selective Calling technology. The Commission first adopted rules to implement GMDSS in 1992, and set a deadline for installation of GMDSS equipment of February 1, 1999.¹

There are two types of GMDSS installations under the Convention for the Safety of Life at Sea ("SOLAS Convention"): Compulsory (for passenger ships that carry more than twelve passengers and all cargo ships of 300 gross tons and over conducting international voyages); and Voluntary (for ships which are not mandated to carry GMDSS equipment under SOLAS).²

In 2000, the Commission initiated a proceeding to ensure that its Rules were consistent with the latest international standards.³ As part of that proceeding, the Commission updated its rules to impose more rigorous requirements for Digital Selective Calling ("DSC")⁴ equipment voluntarily installed in coast or ship stations.⁵ Prior to that

¹ See, Amendment of Part 13 and 80 of the Commission's Rules to Implement the Global Maritime Distress and Safety System (GMDSS) to Improve the Safety of Life at Sea, *Report and Order*, PR Docket No. 90-480, 7 FCC Rcd 951 (1992).

² See, 47 C.F.R. §80.5 Categories of ships.

³ Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Notice of Proposed Rule Making and Memorandum Opinion and Order*, WT Docket No. 00-48, 15 FCC Rcd 5942 (2000).

⁴ Digital Selective Calling ("DSC") is an internationally approved system for automatically contacting vessels on MF, HG and VHF frequencies. It allows mariners to send an automatically formatted distress alert instantly to the Coast Guard or other rescue authority anywhere in the world. DSC also allows mariners to initiate or received distress, urgency, safety and routine radiotelephone calls to or from any similarly equipped vessel or shore station, without requiring either party to be near a radio loudspeaker. It allows users to "direct dial" and "ring" other maritime radio stations. Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Fourth Report and Order and Second Memorandum Opinion and Order*, WT Docket No. 00-48, FCC 10-110, released June 10, 2010 at note 4.

⁵ See, Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Second Report and Order, Sixth Report and Order, and Second Further Notice of Proposed Rule Making*, WT Docket No. 00-48 and PR Docket No. 92-256, 19 FCC Rcd 3120 (2004) at 3160-61.

proceeding, the Commission's Rules specified that such DSC equipment must meet either the requirements of ITU-R M.493-10 (including only equipment classes A, B, D and E) or RTCM Paper 56-05/SC101-STD ("SC101").⁶

In 2006, the Commission updated its rules to require DSC equipment to comply with new standards ITU-R M.493-11 and ITR-R M.541-9 and, in the case of Class D equipment, IEC 62238, in lieu of SC101.⁷ This last requirement required Class D VHF DSC radios to incorporate many new safety features and functions, including dual receiver functionality and GPS interconnection alarms.⁸ As part of the proceeding, the Commission provided transition periods for manufacturers to implement the new rule requirements into their equipment.⁹

In 2010, the Commission issued another Order in WT Docket No. 00-48.¹⁰ In the Appendix to that Order, the Commission changed the definition of Digital Selective Calling ("DSC") in Section 80.5 of its Rules, as well as Section 80.7(c)(3), to specify DSC compliance with ITU-R M.493-13. Also in December 2011, the Commission issued another public notice, replacing DSC compliance with ITU-R M.493-13 instead of ITU-R M.493-11. However, the Commission never proposed in the rule making proceeding to make this very significant rule change, nor did the Commission receive comments on the version change.

⁶ See, Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rule Making*, WT Docket No. 000-48, FCC 06-129, released September 8, 2006 at para 26.

⁷ *Id.* At para. 27.

⁸ *Id.*

⁹ *Id.*

¹⁰ Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Fourth Report and Order and Second Memorandum Opinion and Order*, WT Docket No. 00-48, FCC 10-110, released June 10, 2010.

Because the Commission did not solicit comments on the definitional change, the Commission was deprived of the opportunity to determine whether all parts of ITU-R M.493-13 are appropriate for all DSC equipment. The lack of notice has also created a situation where there is equipment still sold in the marketplace which is not fully ITU-R M.493-13 compliant. This is an important point, specifically that the failure to discuss a rule change has resulted in the continued existence of equipment in the marketplace being sold that does not comply with the current rule.

RTCM has now requested, amongst other things, that the Commission update its references to now incorporate ITU-R M.493-14, the most current iteration. Amongst other things, Rev. 14 would require that Class D (VHF) and Class E (HF) DSC equipment be provided with an integral electronic position fixing device. Because Rev. 14 includes the same equipment provisions from Rev. 13 that are not being followed by manufacturers, it is vital that the Commission now consider the applicability of these standards, a discussion that should have occurred six years ago. On this basis, Icom respectfully requests that the Commission undertake a complete review of Rev. 14's requirements, and adopt only those alterations which are mandatory, or otherwise found to be important for United States ships. Further, until the Commission completes its review of these provisions, Icom urges the Commission to temporarily waive the rule provisions cited below, pending the outcome of this proceeding. In light of the absence of compliance with these provisions presently in the marketplace, and the Commission's current review, failure to grant a temporary waiver would result in the need for significant enforcement action by the Enforcement Bureau for provisions that may

ultimately be deleted. A temporary waiver pending action in this rule making proceeding would be consistent with the Commission's action in other rule making proceedings.¹¹

RTCM requests that the Commission adopt the update RTCM 10150 Standard for portable radios, which effectively replaces the dual receiver requirement of IEC 62238 portables. Ironically, in 2015 Icom filed a Request for Waiver of the dual receiver requirement, which the Commission ultimately denied.¹² Icom continues to support this change.

II. COMMENTS

Importantly, Rev. 14 (and 13), includes an Annex 4 which discusses certain automated procedures to be run in parallel. These provisions should have been reviewed in the Commission's adoption of Rev. 13. However, the Commission's failure to properly amend the rule by providing notice and comment to the public vitiated the ability of Icom and the public to discuss whether such provisions were appropriate for VHF-DSC Equipment.

Icom's review of the equipment capabilities of other manufacturers of VHF-DSC equipment is that few (if any) manufacturers comply with the following provisions of ITU-R M.493-13 Annex 4: 1; 2.19; 2.21; 2.22; 3.1.5; 3.2.5; 3.2.5.1; 3.3.3.1; 3.2.5.2; 3.2.5.3; 3.2.6; 3.2.6.1; 3.2.6.2; 3.2.6.3; 3.3.1; 3.3.2; 3.3.3.2; and 3.3.4. Each of these provisions are automated procedures that run in parallel with other automated procedures.

¹¹ American Radio Relay League, Inc. Request for Temporary Waiver of Sections 97.3(c)(5) and 97.307(f)(8) the Commission's Rules to Permit Use in the Amateur Radio Service of Single and Multiple Time-Slot Time Division Multiple Access Telephony and Data Emissions, *Order*, WT Docket No. 12-283, released March 25, 2013; Requests for Waivers for End-Of-Train Devices to Exceed Power Limit for Telemetry Operations in the 450-470 MHz Band, *Order*, 51 CR 1302 (WTB 2010).

¹² *Icom America, Inc.*, DA 15-371, released March 25, 2015.

These Sections should not be required for VHF-DSC Class D equipment. The United States Coast Guard states that Class D DSC capability for VHF marine radios used by recreational vessels and other vessels not required to carry a VHF DSC radio should be less stringent and explicitly omits semi-automatic/automatic service calls.¹³ The ITU-R M.493-14 also defines lesser requirements for Class D radio equipment stating, “Class D equipment is intended to provide *minimum facilities for VHF DSC distress, urgency and safety* as well as routing calling and reception, not necessarily in full accordance with IMO GMDSS carriage requirements for VHF installations.” As discussed in ITU M.493-14, such equipment is designed to only provide minimum facilities for VHF-DSC distress, urgency and safety, requiring these parallel procedures, introduced as part of Rev. 13, only serve to needlessly increase the cost of Class D equipment for services not necessary for recreational use. Such non-professionals operate single vessels, not fleets, and typically do not have the manpower or training necessary for running these parallel procedures. Parallel procedures are needed and necessary for fleets to be able to handle multiple, concurrent distress calls. Recreational vessels are unprepared to respond to multiple, concurrent distress calls and would become confused thus increasing the likelihood they would not respond to any calls. The primary intent for recreational vessels to have DCS is to transmit a distress or respond to a single, isolated distress call. Untrained, amateur boaters are unsuited to respond to large scale emergency events.

Requiring these professional level capabilities to the recreational market will increase the cost of radio equipment up to tenfold. Recreational vessel operators may opt to not purchase a DSC capable radio as the price increases. This would effectively make them less able to call for or respond to distress or emergency calls.

¹³ See, <http://www.navcen.uscg.gov/?pageName=DSCClasses>.

Reviewing these sources, it is clear the intent is for Class D radio equipment to have only the basic DSC capability. The Petition for Rulemaking submitted by the Radio Technical Commission for Maritime Services (“RTCM”) offers the opportunity to clarify and reinforce the limited requirements imposed on Class D radio equipment by excluding parallel process capabilities.

III. CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

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