

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

In the Matter of)	
)	
SHIPCOM, LLC; GLOBAL HF NET, LLC)	WT Docket No. 17-184
)	
Request to Allow Use of High Seas Marine)	
Frequencies by First Responders and Federal)	
Agencies on Land during Disasters)	

ORDER

Adopted: November 20, 2019

Released: November 21, 2019

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* On February 28, 2017, ShipCom, LLC (ShipCom) and Global HF Net, LLC (GHFN) (collectively, Petitioners) requested a waiver of section 80.123 of the Commission's rules¹ to permit them to provide service to land-based (base and mobile) Public Safety and Federal Government entities on high frequency (HF) public coast frequencies when normal communications systems are not available to such entities during disasters.² For the reasons set forth below, we grant Petitioners' request, as conditioned herein.

2. *Background.* Section 80.123 permits very high frequency (VHF) public coast stations to provide service to units on land under certain conditions, but part 80 does not allow HF public coast stations to provide such service. In 2009, ShipCom, an HF public coast station licensee, requested a waiver of section 80.123 to permit it to provide service to land units operated by Public Safety entities when normal communications systems are not available. (ShipCom did not request authority to provide such service to Federal Government entities.) It stated that it had received requests from Public Safety entities to provide an emergency watchkeeping service on HF frequencies that would enable these entities to make contact with the "outside world" in the event of a natural or man-made disaster that rendered the normal communications infrastructure inoperable. ShipCom proposed to notify the Commission of the Public Safety entities with which it made arrangements for such service and to comply with all of the conditions in section 80.123 (including the requirement that priority be afforded to marine-originating communications), except for the limit on antenna height of land units.³

3. In 2010, the Wireless Telecommunications Bureau's Mobility Division (Division), concluding that this limited use of HF maritime spectrum would enhance public safety during catastrophes, granted the request.⁴ The granted waiver permits service to land-based (base and mobile) Public Safety stations⁵ on HF frequencies in the event of a natural or man-made disaster that renders the normal communications infrastructure inoperable, and for limited testing and training necessary to

¹ 47 CFR § 80.123.

² See Request of ShipCom, LLC, and Global HF Net, LLC, for Amendment & Extension to Waiver 10-831 (filed Feb. 28, 2017) (Waiver Request).

³ ShipCom explained that the 6.1 meter antenna height limit in section 80.123(e) is proper for VHF operations, but inappropriate for HF communications because of the need to communicate over long distances. *Id.*

⁴ See *ShipCom, LLC*, Order, 25 FCC Rcd 4894 (WTB MD 2010) (*Order*).

⁵ *I.e.*, entities meeting the public safety eligibility criteria of 47 CFR § 90.20(a)(1)(i)-(v), (2)(i)-(iv), (vii), (x), (xiii).

familiarize personnel with how to operate the equipment and make sure it is operable.⁶

4. In 2017, Shipcom⁷ and GHFN,⁸ which are commonly owned, requested that the waiver be extended to GHFN as well as Shipcom; they further requested that the waiver be amended to permit service to land-based stations owned or operated by Federal Government entities as well as Public Safety Pool eligibles.⁹ They argue that extending and amending the waiver request will further the public interest by enlarging the coverage of the current waiver, and by including Federal agencies that commonly participate in disaster communications.

5. On July 13, 2017, we sought comment on Petitioners' waiver request.¹⁰ We received one comment, from the Radio Technical Commission for Maritime Services (RTCM) stating that it had no objection to the request.¹¹

6. *Discussion.* Section 1.925(b)(3) of the Commission's rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.¹² We find that the waiver requested by Petitioners is warranted.

7. We conclude that a waiver of section 80.123 would be consistent with the underlying purpose of the rule. When the Commission adopted section 80.123, it concluded that allowing VHF public coast stations to serve units on land would serve the public interest, provided that certain conditions were met to ensure that the core purpose of the internationally allocated maritime spectrum was preserved.¹³ While a prior request for waiver to permit a high seas public coast station to provide service to units on land was denied in order to avoid interference from the proposed operations to maritime communications,¹⁴ these concerns are not present here because Petitioners will provide service to units on land only during disasters (and necessary testing and training) and will give priority to marine communications.

⁶ See *Order*, 25 FCC Rcd at 4895-96, paras. 6-8.

⁷ Shipcom holds licenses for HF public coast stations KDD, KLB, KLK, KNN, WDA, WDI, WHD, WHU959, WLO, WRN, and WSC. Authorized transmitters are located in Alabama, Alaska, California, Iowa, New Jersey, New York, Texas, and Washington.

⁸ GHFN holds licenses for HF public coast stations KEJ, KEM, KFS, KHF, KLN, KPH, WCC, and WNU. Authorized transmitters are located in Alaska, California, Guam, Hawaii, Louisiana, Maryland, and New York.

⁹ See Waiver Request at 1-2.

¹⁰ See *Wireless Telecommunications Bureau Seeks Comment on Request by Shipcom, LLC, and Global HF Net, LLC, to Allow Use of High Seas Marine Frequencies by First Responders and Federal Agencies During Disasters*, Public Notice, 32 FCC Rcd 5572 (WTB MD 2017).

¹¹ See RTCM Comments at 1. RTCM filed similar comments in response to the 2009 request. See RTCM Comments, WT Docket No. 10-2.

¹² 47 CFR § 1.925(b)(3); see also *WAIT Radio v FCC*, 418 F. 2d 1153, 1159 (D.C. Cir. 1969).

¹³ See *Amendment of the Commission's Rules Concerning Maritime Communications*, Second Report and Order and Second Further Notice of Proposed Rule Making, 12 FCC Rcd 16949, 16964-65, paras. 23-26 (1997).

¹⁴ See *Technology for Communications International*, Order, 14 FCC Rcd 16173, 16177, para. 8 (WTB PSPWD 1999).

8. Moreover, we conclude that grant of the requested waiver is in the public interest, because it will provide emergency back-up communications for Federal entities and non-Federal first responders only if a catastrophic event disrupts normal local wired and wireless communications. HF frequencies have operational and propagation characteristics that permit Federal Government agencies and non-Federal first responders to coordinate an expedited response with those outside the disaster area.¹⁵

9. The waiver is granted subject to the following conditions:

- Service to units on land shall be provided on a secondary, non-interference basis to maritime services, and priority shall be afforded to marine-originating communications. The conditions in section 80.123(a)-(d), (f)-(g) shall be met, but the antenna height limit in section 80.123(e) is waived.
- Service shall be provided to units on land only in the event of a disaster that renders the normal communications infrastructure inoperable and for necessary testing and training to familiarize personnel with how to operate HF equipment and ensure that it is operable. Testing and training shall be conducted no more than once a month by each entity to which ShipCom or GHFN provides service to units on land.
- Service to units on land shall be provided only to Federal Government entities or to entities that meet the public safety eligibility criteria in section 90.20(a)(1)(i)-(v), (2)(i)-(iv), (vii), (x), (xiii) of the Commission's rules.¹⁶ Prior to serving any units on land, Petitioners shall notify the Commission of the entities with which it has made arrangements for such service. Ordinarily, notification shall be made via the Universal Licensing System (ULS) by attaching a notification to the license(s) for the high seas public coast station(s) that the entity may use.¹⁷ In an emergency, notification may be made by facsimile or electronic mail to an appropriate Mobility Division contact, and ULS updated subsequently.
- ShipCom and GHFN each shall provide the U.S. Air Force with a point of contact who can address interference concerns and has authority to discontinue any and all service to units on land immediately in the event of interference to Federal operations, and contact information at which the person can be reached at any time of the day.¹⁸

10. *Conclusion.* We grant the request of ShipCom and GHFN for a waiver of the part 80 rules to permit them to use their licensed HF frequencies to serve land-based units of Federal Government entities and Public Safety Pool eligibles during catastrophic situations (and for necessary testing and training). We conclude that this limited use of HF maritime spectrum would not frustrate the underlying purpose of section 80.123 and would serve the public interest by enhancing disaster response activities when normal communications are not readily available. However, because operations on the instant spectrum could, in some circumstances, present a potential for interference to maritime operations, the instant waiver request is granted on the express condition that no harmful interference is caused to marine communications. Additionally, in order to enable the Commission to identify any sources of interference, ShipCom and GHFN must notify the Commission of the Federal Government and Public Safety entities

¹⁵ See *Order*, 28 FCC Rcd at 4895, para. 7.

¹⁶ 47 CFR § 90.20(a)(1)(i)-(v), (2)(i)-(iv), (vii), (x), (xiii).

¹⁷ The notification can be attached to the license(s) using the “non-docket pleadings” link at <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>.

¹⁸ This contact information shall be provided to Thuu Luu, Air Force Spectrum Management Office, 6910 Cooper Avenue, Ft. Meade, MD 20755; Thu.Luu@us.af.mil.

with which they make arrangements to serve units on land. ShipCom and GHFN must also comply with the other conditions set forth above.

11. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and section 1.925 of the Commission's rules, 47 CFR § 1.925, that the waiver request filed by ShipCom, LLC, and Global HF Net, LLC, on February 28, 2017, IS GRANTED SUBJECT TO THE CONDITIONS SET FORTH IN PARAGRAPH 9.

12. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
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