



Federal Communications Commission  
Washington, D.C. 20554

August 29, 1997

In Reply Refer To:  
2000F/RSN

Mr. J. D. Hersey, Jr.  
Chief, Spectrum Management Division  
United States Coast Guard  
2100 Second Street, S.W.  
Washington, D.C. 20593-0001

Dear Mr. Hersey:

On August 4, 1997, we received a Petition for Rule Making (Petition) filed on behalf of the United States Coast Guard (Coast Guard). In summary, the Petition asks the Commission to amend Part 80 of its Rules to set aside duplex channels 12.5 kHz offset from the marine VHF band (156-162 MHz) public correspondence channels listed in 47 C.F.R. § 80.371(c). The set-aside channels would be used for automatic identification of vessels and related safety system transmissions within various ports and waterways nationwide. According to the Petition, use would be in support of the congressionally-mandated Ports and Waterways Safety System (PAWSS) project. Specifically, the Petition requests the channels be used on a shared, need-determined basis with VHF public coast stations, and that at least two of the nine offset channels be reserved in any given geographic area for the use described above.

As you know, on June 26, 1997, the Commission released a *Second Report and Order and Second Further Notice of Proposed Rule Making* in PR Docket No. 92-257 that, among other things, proposed to auction unassigned VHF public coast channels regionally, based on the existing Coast Guard Districts. Under this proposal, one licensee in each region would be given exclusive use of the marine VHF public correspondence channels listed in 47 C.F.R. § 80.371(c), except for the channels already authorized to incumbent licensees. The regional licenses and incumbents would be required to afford each other protection from harmful interference within their respective exclusive service areas. Additionally, we tentatively concluded that the regional and incumbent stations should be authorized to use narrowband technologies on the 12.5 kHz offset channels within their respective service areas, so long as a station is licensed for the channels on either side of the offset channel in question. We requested public comment on this tentative conclusion. The original comment and reply dates were extended on August 21, 1997. Amendment of the Commission's Rules Concerning Maritime Communications, *Order Extending Comment and Reply Comment Period*, PR Docket No. 92-257, DA 97-1806 (WTB PSPWD rel. Aug. 21, 1997). Comments are now due by September 15, 1997, and reply comments are due by September 30, 1997.

Both the Petition and our current rule making propose uses of the marine VHF offset channels. In fact, the Petition provides a counter-proposal which is, to a great extent,

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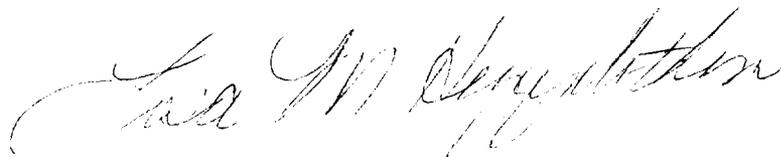
Mr. J. D. Hersey, Jr.

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mutually exclusive with our tentative conclusion to give VHF public coast stations exclusive rights to the offset channels. For these reasons, we find that the issues raised in your Petition would be better addressed as a timely filed comment to our *Second Report and Order and Second Further Notice of Proposed Rule Making* in PR Docket No. 92-257, rather than in a separate rule making proceeding. This approach provides immediate treatment of your request and allows the public an opportunity, during the reply comment period, to comment on your counter-proposal for the offset channels in the context of our ongoing proceeding.

We will place a copy of your Petition and this letter in the docket file as a comment in PR Docket 92-257. If you have any questions concerning this matter, please contact Roger Noel of my staff at (202) 418-0698.

Sincerely,

A handwritten signature in cursive script, appearing to read "David E. Horowitz".

 David E. Horowitz  
Chief, Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau