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EX PARTE OR LATE FILED

January 15, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Docket No. 92-257
WJG MariTEL Corporation
Notice of Ex Parte Presentation

Dear Ms. Salas:

Enclosed are an original and one copy of a summary of an *ex parte* presentation made in connection with the above-referenced FCC rule making proceeding. 47 C.F.R. § 1.1206(b)(1) (1997).

On January 14, 1998, Russell Fox, on behalf of WJG MariTEL Corporation ("WJG"), and Mitchell Hauser of WJG, met with David R. Siddall, Legal Adviser to Commissioner Ness. The parties discussed WJG's position with respect to regulatory issues raised in the above-referenced proceeding. A written summary of the matters discussed is attached.

Please direct any questions regarding this matter to the undersigned.

Sincerely yours,



Elisabeth M. Washburn

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**PRESENTATION OF WJG MARITEL
BEFORE THE OFFICE OF COMMISSIONER SUSAN NESS
FEDERAL COMMUNICATIONS COMMISSION
JANUARY 14, 1998**

I. COMPANY AND INDUSTRY BACKGROUND

A. MariTEL is the dominant provider of VHF public coast services in the United States.

B. MariTEL has sought to expand and improve service to the marine community by securing additional channels through application and acquisition.

C. VHF public coast services are the internationally recognized method by which the marine community can satisfy critical safety communication requirements.

1. Cellular and other wireless services are configured for land mobile communication requirements and can not provide adequate coverage to coastal areas.
2. VHF public coast licenses provide critical safety services:
 - a) Provide system access to the U.S. Coast Guard during emergency situations;
 - b) Coast Guard relies upon public coast station operators to transmit emergency information from boaters.

D. Prior to 92-257, the rules prevented licensees from providing modern and necessary communications;

1. Limitation on the number of frequency assignments available.
2. Inability to re-use frequency assignments.
3. Inability to offer automatic interconnect to the telephone network.

E. MarITEL has long urged the FCC to adopt new rules that will allow public coast licensees to compete with other wireless providers and offer state of the art wireless services to the boating public:

1. Geographic area licensing;
2. Permitting frequency re-use;
3. Multiple channels for each transmitter site.

II. CURRENT REGULATORY BACKGROUND

A. The FCC has adopted and proposed new regulations.

1. The licensing of spectrum by competitive bidding will allow the FCC to quickly achieve these objectives.
2. Therefore, MariTEL strongly supports the FCC's proposal to conduct auctions to license public coast channels on a geographic area basis.

B. Nevertheless, there is a detrimental freeze on the acceptance of applications for new public coast station channels and facilities.

1. Commissioner Ness, in a separate statement accompanying the Report and Order in Docket No. 92-257, expressed concern that the freeze not be indefinite.
2. As a result, the FCC committed to adopting regulations governing auction of public coast station spectrum by March 17, 1998. The existing freeze is scheduled to end on the same date.
3. Logically, because the freeze ends and the new rules become effective on March 17, 1998, the FCC should begin the auction on that same date. Access to spectrum is critical for public coast station licensees' ability to relay distress calls and serve the boating public.

III. THE PROBLEM

A. The FCC has stated that the auction for public coast station spectrum would occur during the fourth quarter of 1998.

B. According to this schedule, the FCC will likely extend the freeze, to end at the date that the auction begins.

C. The result is contrary to the public interest which requires that emergency and related communication services be available to the public as soon as possible after the auction rules are in place.

1. This is precisely the result Commissioner Ness sought to avoid.

IV. PROPOSED SOLUTION AND RATIONALE – THE FCC SHOULD ACCELERATE THE PLANNED AUCTION OF PUBLIC COAST STATION SPECTRUM

A. Delay of the auction means that public safety will be endangered. Unlike other wireless providers, public coast station operators serve important public safety needs.

B. The Commission can set a date to begin the auction. Final auction rules are not necessary.

1. The services for which auctions are scheduled (LMDS, 220 MHz) are subject to petitions for reconsideration.
2. There is no need to schedule the auction for the 4th quarter of 1998 in anticipation of petitions for reconsideration. A decision to postpone the auction past the 2nd quarter time-frame should be made when the Commission determines if there are any petitions for reconsideration submitted that are relevant to the auction process.
3. Because auction dates can be postponed (LMDS, e.g.), setting a date for the auction today does not mean they could not be delayed if necessary.
4. However, failing to set an earlier auction date for the public coast service may, because of the scheduling of other auctions, preclude an auction of public coast station spectrum as soon as rules have been adopted.
5. There have been no serious objections to the FCC conducting auctions for this service.

V. THEREFORE, THE FCC SHOULD SCHEDULE THE PUBLIC COAST STATION SPECTRUM AUCTION TO BEGIN IN LATE APRIL, AFTER THE RULES THAT WILL BE ADOPTED ON MARCH 17, 1998 BECOME FINAL