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February 6, 2001

VIA HAND DELIVERY
Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room TW-B204
Washington, D.C. 20554

Re: PR Docket No. 92-257
RM-9664

Dear Ms. Salas:

On behalf of Globe Wireless, Inc. ("Globe"), we are filing an original and four (4) copies of its Comments in the above cited matter.

If there are any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, PLC

Leonard Robert Raish

Leonard Robert Raish
Counsel for Globe Wireless, Inc.

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Enclosures

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WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of the Commission's Rules Concerning Maritime Communications	)	PR Docket No. 92-257
	)	
	)	
Petition for Rule Making filed by RegioNet Wireless License, LLC	)	RM-9664

COMMENT BY GLOBE WIRELESS, INC. ON THIRD FURTHER NOTICE OF PROPOSED RULE MAKING[1]

Pursuant to Section 1.415 of the Commission's Rules, Globe Wireless, Inc. ("Globe Wireless"), through its Attorney, submits the Comment below in response to the *Third Further Notice of Proposed Rule Making* in the above cited proceedings.

I. GENERAL

Globe Wireless is a California Corporation with its headquarters located in Half Moon Bay, California. It operates a high seas worldwide network of High Frequency (HF) telecommunications services in support of the maritime industry. These services are provided by Globe Wireless HF Coast stations at New Orleans, San Francisco, Hawaii, Guam, Maryland and by HF Coast stations in thirteen other countries. Through its facilities and the use of most modern technologies, HF data, telex, facsimile, and electronics mail services are provided to ships at sea on a global basis.

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[1]See FCC *Fourth Report and Order* and *Third Further Notice of Proposed Rulemaking* (FCC 00-370) released on November 16, 2000. Published in the *Federal Register* on December 8, 2000.

II. GLOBE WIRELESS INTEREST IS IN HF PUBLIC COAST STATION OPERATIONS

In the *Third Further Notice of Proposed Rule* making, the Commission undertakes a broad review of the high seas public coast station licensing scheme.[2] By the Comment below, Globe Wireless addresses the HF aspects of the aforementioned broad review with particular emphasis on opposition to proposed competitive bidding. Because of limited propagation capabilities and other disadvantages (*e.g.*, high noise levels in many areas), Globe Wireless, for example, has limited interest in the 2 MHz band. The current licensing procedures for this band are supported.

Note is taken of the extensive sharing of frequencies in the 4000-4063 and 8100-8195 kHz bands by the fixed and maritime mobile services on a co-equal basis.[3] There are few, if any, frequencies in these bands that would be of any real value to a global commercial service such as Globe Wireless. Responding to the Commission's request for Comment, however, it appears most unrealistic to manage these two bands through auction techniques. The combination of mixed usage and propagation characteristics would make it virtually impossible to identify channels that could be auctioned. Because of HF propagation characteristics, both the 4000-4063 and 8100-8195 kHz bands are "international" in that these same bands are used by other countries. Such usage would not necessarily be compatible with an "auction process" within the U.S.A.

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[2]See para 28 of *Fourth Report and Order* in Docket 91-257.

[3]See para 64 of *Third Further Notice*.

III. NATURE OF HF MARITIME OPERATIONS HAS CHANGED OVER THE YEARS

The Commission should take into account ITU defined regions are based on operational practices that are no longer relevant. There are now very few single coast stations providing a HF maritime service. Integrated and automated global services are the current operational norm. The international character of the HF frequencies involved needs to be recognized.

Globe Wireless has had extensive experience in selecting useable frequencies in the HF maritime bands for use on a global basis. Such usages are integrated with the HF maritime operations of other countries/companies around the world. Channelization is impossible. There are many services in these bands that consistently use different bandwidths (200 Hz, 500 Hz, 1 kHz, 2.5 kHz, 3.2 kHz, 4 kHz, and some at 6 kHz). Frequency selection is not only a matter of reference to numerous data bases, including the International Frequency List (IFL) but, most importantly, extensive monitoring and eventually selecting a "clear spot". An "FCC assignment" to a U.S. based services is of no value if there is a foreign transmitter using a 4 kHz high power on an adjacent channel. It is essential to think internationally.

IV. COMPETITIVE BIDDING FOR HF SPECTRUM IS UNREALISTIC

Competitive bidding in any part of the HF spectrum makes no sense. The value of specific piece of the spectrum is in direct relationship to the usability of that spectrum. That usability is subject to rapid change resulting from international and foreign decisions and spectrum allocations and well beyond the control of the FCC. The usability, and hence the value, also fluctuates with seasonal 11 year propagation cycle conditions. To "auction" a piece of HF spectrum is to suggest that you can place future value on it. That cannot be done in the current

environment. Attempting to do so could leave the FCC open to subsequent claims and legal battles and the U.S. with strained relations with other countries.

Here are examples of the international nature of HF frequencies based on the experience of Globe Wireless. Voice channels, until recently assigned to ATT on the East coast of the USA, are effected dramatically the decisions and operational practices in other countries. For example, Rome, Athens and Istanbul maritime stations also use Channel 412. Athens has recently used this channel for evening time communications with passenger ships off the coast of New England. Channel 412 use is also by Buenos Aires/LD. This has a major impact on the usability of this channel at night, the very time that it would be needed most. If LSD were to use it in a continuous operating service, it would become almost unusable UWS stations serving the mid and south Atlantic area at night.

There are many specific HF frequencies that Globe Wireless could apply for in the USA but Globe has not done so because to use them would clash with known services in other countries around the world. Conversely, many services in other countries around the world voluntarily do not use certain frequencies, even though they may be licensed to them because they would clash with U.S. operations (specifically Globe Wireless). The point being made here is that international cooperation within the industry is the key to an efficient HF service. Direct coordination with HF services in other countries around the world is not a normal practice for Globe Wireless. Of interest, Globe Wireless recently shut down a licensed frequency because it clashed with an existing military operation. Globe voluntarily moved off a San Francisco based frequency so that it could be used in China. A foreign naval operation agreed to move off one of their frequencies because it interfered with ships communicating with the Globe Wireless

network. International cooperation works. Competitive bidding would end up causing unworkable situations.

V. MANUAL MORSE AND NB-DP[4]

As manual Morse is no longer in use in the USA, the requirement should be eliminated. The ITU Radio Regulations were amended at WARC-97[5] to permit other types of maritime operations in the HF radiotelgraph band and clearly they are being used for those other operations.

In the opinion of Globe Wireless, future commercial applications for NBDP spectrum are likely to reduce to few or none at all. It is, in fact, a disappearing service on the commercial international scene. There is a possibility proposals to WRC-2003 will be made that would eliminate the 500 kHz bandwidth restriction and reallocate at least a part of this spectrum for maritime 3 kHz bandwidth data/fax use, continuing with the paired channel concept.

V. CONCLUSION

Globe Wireless applauds the continued effort by the Commission to update its Rules applicable to the Maritime Services. In doing so, however, the Commission should take into account (a) propagation characteristics of the HF Spectrum that require consideration on an international basis, (b) HF maritime communications have evolved over the years to provide coverage on a worldwide basis through complex sharing patterns developed by years of

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[4]See *Third Notice* at paras 70 and 71.

[5]See ITU Regulations S52.54 and S52.54.1.

experience, and (c) the concept off using auctions to manage the HF maritime spectrum would be totally unrealistic and should be dropped.

Respectfully submitted,

GLOBE WIRELESS, INC.

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