

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

In the Matter of	)	
	)	
Procedures to Govern the Use of Satellite Earth	)	
Stations on Board Vessels in Bands Shared	)	IB Docket No. 02-10
With Terrestrial Fixed Services	)	
	)	

**REPLY COMMENTS OF  
MARITIME COMMUNICATIONS SERVICES, INC.,  
A SUBSIDIARY OF  
HARRIS CORPORATION**

Maritime Communications Services, Inc. (“Harris MCS”), a wholly-owned subsidiary of Harris Corporation (“Harris”), by its undersigned counsel, files these reply comments in response to the Notice of Inquiry (“Notice”) issued by the Federal Communications Commission (“FCC”, or the “Commission”) in the above-referenced docket.<sup>1</sup> Harris is a provider of both the hardware and the communications systems used by vessels requiring broadband telecommunications services with global coverage. In these reply comments, Harris MCS addresses suggestions made for licensing of earth stations aboard vessels (“ESVs”).

Harris MCS continues to believe that, given that there has been no demonstration of unacceptable interference to fixed service operations from ESV operations, there is no need for a formal licensing system at this time.<sup>2</sup> Nonetheless, if the Commission decides to formally

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<sup>1</sup> Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in Bands Shared with Terrestrial Fixed Service, IB Docket No. 02-10, *Notice of Inquiry*, FCC 02-18 (released Feb. 4, 2002) (“*NOI*”).

<sup>2</sup> See *Comments of Maritime Telecommunications Network, Inc.* (“*MTN*”) at iii – iv, 3, 10 - 11 (supporting, *inter alia*, the alternative of formal Commission recognition of unlicensed, non-interference based ESV operations).

authorize ESVs, Harris MCS urges the Commission to adopt a simple supplemental Service Provider-based registration system in lieu of implementing the approaches suggested in the NOI<sup>3</sup> or in comments submitted by other commenting parties.<sup>4</sup>

## INTRODUCTION

Harris MCS agrees with the numerous participants in this docket that have noted that there has been no evidence of unacceptable interference between ESVs and fixed wireless operations during the ten-year period in which ESVs have operated in U.S. waters. As the comments of the Fixed Wireless Communications Coalition (“FCCW”) themselves demonstrate, members of the FCCW have yet to provide sufficient evidence to present a *prima facie* case of even a single instance of unacceptable interference to a fixed wireless service operation caused by ESV operations.<sup>5</sup> Given the Commission’s announced goal of eschewing unnecessary regulation, Harris therefore continues to believe that it would be premature for the Commission to propose rules for licensing ESVs when there is no evidence that the current, non-interference basis approach to ESV regulation is unsatisfactory.

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<sup>3</sup> See NOI at, e.g., ¶¶ 21 – 23.

<sup>4</sup> In its initial *Comments*, Harris MCS stated its opposition to any requirement for dual Ku-band/C-band operations. See *Comments of Maritime Communications Services, Inc., a Subsidiary of Harris Corporation* (“Harris MCS Comments”) at 4. Harris MCS similarly opposes requirements for blanket discontinuance of all C-band ESV operations in U.S. waters or at a specified distance from the U.S. shoreline. See *Comments of the Fixed Wireless Communications Coalition* (“FWCC Comments”) at 6 - 7. Such requirements, as proposed by the FWCC, would effectively deny end-users much of the important benefit of ESV operations detailed in Harris MCS’s initial comments and those of other parties on the basis of mere speculation about potential interference.

<sup>5</sup> See FCCW Comments at 4; cf. MTN Comments at 7.

**AT MOST THE COMMISSION SHOULD IMPLEMENT A SUPPLEMENTAL  
SERVICE PROVIDER-BASED ESV REGISTRATION SYSTEM.**

Harris MCS understands, however, that many parties believe that it would be helpful not only for there to be formal recognition of ESVs in the ITU's regulations<sup>6</sup> but also for there to be ready access to contact information for ESV operators to facilitate communication in the event interference concerns arise. To this end, both the NOI and several parties submitting comments in this proceeding have suggested a number of approaches to U.S. licensing of ESVs. In Harris MCS's view, however, these approaches are not suitable for all types of ESV operations. Should the Commission develop a licensing approach as a result of this proceeding, it should be careful not to establish requirements that have the effect of artificially shaping the ESV provider market. One criterion for an ESV regulatory regime must be that the licensing system be flexible enough to accommodate all types of ESV operators and operations, regardless of whether the Service Provider owns the earth stations or teleport sites used in delivering the service or not. Harris MCS therefore recommends that, if the Commission decides to implement a formal authorization regime for ESV operations, the Commission propose rules for a supplemental ESV Service Provider-based registration system rather than implement an ESV-specific facilities licensing approach that requires licensing of specific port locations or VSAT hub stations. Under the registration approach, the Service Provider need not necessarily be the licensee either of any of the "hub" earth stations or of any of the remote terminals. (Harris MCS, for example, both leases and sells earth stations to its customers.) These facilities themselves would be separately licensed for routine license terms by the Commission and/or the governments of the respective countries in which the ships on which ESVs were located were registered. The registered ESV Service Provider would maintain the database of ship locations and frequencies being used and

would provide contact information for use in the event of Commission inquiry. The Service Provider would also be responsible for compliance with Commission rules concerning ESV operations; for providing, with appropriate regard for security concerns, ship location and frequency usage information; and for shutting down service from any remote ESV in the event of a Commission request or order.

Without further clarification, an approach based on licensing of specific port locations or hub stations would seem to imply that it is the owner of the hub or gateway station who would obtain and hold this license. Such a requirement would put at a disadvantage those Service Providers (such as Harris) who provide this maritime connectivity by leasing space at hubs and gateway stations owned by others. Similarly, this could lead to an unfair business advantage to those Service Providers who also own and operate hubs and gateway stations on both coasts of the continental U.S. Similar situations where one communications Service Provider held the majority of existing infrastructure in the terrestrial wireline telecommunications industry have resulted in difficult noncompetitive situations which could be avoided here.

In contrast, with a supplemental Service Provider-based registration system, the Commission would receive the data it needs for oversight of ESV operations without the system's being unduly burdensome for the Commission or the Service Providers or unnecessarily restricting the scope of the business plans of various ESV operators.

## **CONCLUSION**

For the reasons described above, Harris MCS respectfully submits that the Commission should carefully consider whether there is really a need at this time to formally authorize

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<sup>6</sup> Harris MCS supports U.S. efforts to have ESV operations acknowledged internationally as a class of FSS operations. See, e.g., *Intelsat Global Service Corporation Comments* ("Intelsat Comments") at 3.

individual ESV operations. If the Commission does decide to propose rules to implement an authorization system for ESV service, then Harris MCS respectfully requests that this take the form of a supplemental Service Provider-based registration system, rather than that of a location or facility-based licensing system, so as not to create an uncompetitive business environment for those Service Providers who are not the owners or landlords of a nation-wide network of hubs or gateway stations. Such a Service Provider based system would supplement rather than replace the existing earth station facility licensing system, providing ready access to ESV-specific contact and other information while accommodating all types of ESV operators.

Respectfully submitted,

**MARITIME COMMUNICATIONS  
SERVICES, INC.**

By: \_\_\_\_\_

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