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August 28, 2003

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue N.E., Suite 110
Washington, DC 20002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Presentation in IB Docket No. 02-10

Dear Ms. Dortch:

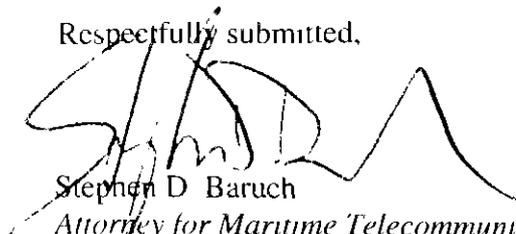
This letter provides notice that, on August 26, 2003, Robert Hanson, Vice President/Regulatory Affairs of Maritime Telecommunications Network, Inc. ("MTN"), along with Raul Rodriguez and Stephen Baruch of Leventhal, Senter & Lerman P.L.L.C. (attorneys for MTN), met with Breck Blalock and Claudia Fox of the Policy Division of the Commission's International Bureau to discuss the domestic regulatory implementation of the outcome of WRC-03 in connection with the forthcoming notice of proposed rule making in IB Docket No. 02-10.

During this meeting, MTN presented the material in the first attachment to this letter. The participants also discussed the substance of rules that would be appropriate for the introduction of ESVs as an application in the fixed-satellite service in the 4/6 and 11-12/14 GHz bands. In this last regard, the participants discussed the example rules, supplied by MTN, that are contained in the second attachment to this letter.

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), the original and one copy of this letter, with the attachments, are submitted for inclusion in the file of the above-referenced proceeding.

Please direct any questions you may have to the undersigned.

Respectfully submitted,



Stephen D. Baruch
Attorney for Maritime Telecommunications
Network, Inc.

Attachments
cc (w/ attachments) via e-mail: Breck Blalock
Claudia Fox

No. of copies retained
LISA FLORE 1

ESV Rules Should Provide For:

- ESVs to be licensed as a VSAT network
 - Single point of control (Hub/NOC) within a single jurisdiction;
 - All remotes in network under control of single licensee;
 - Coordination of port operating areas undertaken by network licensee;
 - Single POC for all license related issues.

ESV Rules Should Provide For:

- Operations in either C- or Ku-band, as recognized by WRC-03
 - FSS and co-primary;
 - Operating requirements as per Res. COM4/20;
 - Coordination methodology as per Rec. ITU-R S.1587, SF.1585, SF.1648, SF.1649, SF.1650;
 - No need for additional constraints.

ESV LICENSING RULES

Section 25.103 is amended by adding new paragraph (g).

§25.103 Definitions

(g) *Satellite earth stations on board vessels (ESVs)* An earth station operating in certain bands of the fixed satellite service, located on board a water-borne vessel, and intended to be used while in motion or during halts at unspecified points.

Section 25.115 is amended by adding new paragraph (c)(3)

§25.115 Application for earth station authorizations

(c)(3) Satellite earth stations on board vessels (ESVs) operating in the 4/6 GHz and/or 12/14GHz frequency bands. Applications to license satellite earth stations on board vessels operating in the 4/6 GHz and 12/14 GHz frequency bands under blanket operating authority shall be filed on FCC Form 312, Main Form and Schedule B, for each large (5 meters or larger) hub station, and Schedule B for each representative type of small antenna (a minimum of 2.4 meters for the 4/6 GHz band and a minimum of 0.6 meters^{NOTE} for the 12/14 GHz band) operating within the network.

(i) An initial lead application providing a detailed overview of the complete network shall be filed. Such lead applications shall fully identify the scope and nature of the service to be provided, as well as the complete technical details of each large hub station and each representative type of small antenna that will operate within the network. Such lead applications for a single ESV network must identify:

(A) The geostationary FSS satellites to be accessed;

(B) The operational area(s) where the proposed ESVs will operate. For purposes of this section, operational area is defined as the area within United States territorial waters, such as a port or coastline, where coordination between an ESV-equipped vessel operating in the 4/6 GHz frequency and/or 12/14 GHz frequency band, and terrestrial microwave services, would occur if required,

(C) The frequencies sought in the 4/6 GHz and/or 12/14 GHz FSS bands in each direction at each operational area. The same spectrum per band in each operational area would be accessible by all network-associated ESV earth stations in that operational area;

(D) The maximum number of ESVs associated with the network that will be permitted to operate simultaneously in each operational area in the 4/6 GHz and/or 12/14 GHz bands.

(ii) Frequency coordination of each operational area shall be completed prior to filing the application. The coordination must be conducted in accordance with §25.203.

(iii) Each licensee shall annually provide the Commission an updated list of all operational areas where coordinated operations are taking place as of the date of the report. The annual list shall also identify the satellites providing service to the network as of the date of the report

^{NOTE} The minimum diameter valued adopted by WRC-03 in Resolution [COM4/20] is 0.6 meters

Section 25.134 is amended by revising the section title and adding new paragraphs (a)(3) and (a)(4)

§25.134 Licensing provisions of Very Small Aperture Terminal (VSAT), ~~and~~ C-band Small Aperture Terminal (CSAT), and Satellite Earth Stations on Board Vessels (ESVs) networks.

ESV

(a)(3) ESV networks operating in the 4/6 GHz frequency band. All applications for operations will be routinely processed provided the network employs antennas that are 2.4 meters or larger in diameter, that are consistent with §25.209, the power levels are consistent with §§25.211(d) and 25.212(d), and frequency coordination, where necessary, has been satisfactorily completed. The use of smaller antennas or non-consistent power levels require the filing of an initial lead application (§25.115(c)(4)) that includes all technical analyses required to demonstrate that unacceptable interference will not be caused to any and all affected adjacent satellite operators by the operation of the non-conforming earth station.

(a)(4) ESV networks operating in the 12/14 GHz frequency band. All applications for operations will be routinely processed provided the network employs antennas that are 1.2 meters or larger. The use of smaller antennas or non-consistent power levels require the filing of an initial lead application (§25.115(c)(4)) that includes all technical analyses required to demonstrate that unacceptable interference will not be caused to any and all affected adjacent satellite operators by the operation of the non-conforming earth station.