

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)
)
Procedures to Govern the Use of) IB Docket No. 02-10
Satellite Earth Stations on Board Vessels)
In the 5925-6425 MHz/3700-4200 MHz)
Bands and 14.0-14.5 GHz/11.7-12.2 GHz)
Bands)

To: The Commission

**REPLY COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE**

The American Petroleum Institute ("API"), by its attorneys and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission" or "FCC"), respectfully submits the following Reply Comments regarding the comments filed by other participants in response to the *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding.¹ In particular, API fully supports the Comments filed by the Fixed Wireless Communications Coalition, of which API is a member. API also agrees with the National Spectrum Managers Association that, in determining the coordination distance from the shore with respect to earth station on board vessel ("ESV") operations, the Commission should recognize and take into consideration the existence of off-shore microwave operations.

¹ Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands, Notice of Proposed Rule Making, 18 FCC Rcd 25248 (2003).

I. PRELIMINARY STATEMENT

1. API is a national trade association representing approximately 400 companies involved in all phases of the petroleum and natural gas industries, including the exploration, production, refining, marketing and transportation of petroleum, petroleum products and natural gas. The API Telecommunications Committee is one of the standing committees of the organization's General Committee on Information Management & Technology. The Telecommunications Committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the petroleum and natural gas industries.

2. Many API member companies are authorized by the FCC to operate facilities in the Fixed Microwave Service ("FS") that use frequency assignments in the 5925-6875 MHz ("6 GHz") band. Many of these licensees operate multiple links in the 6 GHz band. These links comprise both "backbone" systems and spurs off of long-haul microwave systems. Thus, a pipeline licensee that utilizes a 6 GHz long-haul system may also employ these links from its backbone to a field office, refinery, central production facility, or city gate. As a result, these 6 GHz links form an integral part of the telecommunications infrastructures that support the overall production, refining and transportation processes used in day-to-day operations. During an emergency (such as a pipeline rupture), these communications facilities potentially play a vital role in alerting public safety officials, coordinating response activities, and minimizing the impact of an incident upon workers and the general public.

3. The communications systems operated by API members are capable of monitoring and controlling a host of important variables, including pipeline pressures, temperatures, flow rates, volume and alarm sensors. These systems are designed to detect abnormalities and permit remote control of valve settings and compressors, thereby maintaining safe operating conditions. These critical safety features are employed throughout tens of thousands of miles of pipeline in this nation. Operational information from these Supervisory Control and Data Acquisition (“SCADA”) systems, widely deployed throughout the industry, is transmitted over a variety of communications circuits, including 6 GHz microwave links. Such timely and reliable information promotes the efficient operation of pipelines and dramatically enhances the ability of pipeline operators to respond to ruptures and other emergency situations. Without this information, API member companies would be severely hampered in their ability to conduct their operations in a manner that best protects public health and safety and preserves the integrity of the natural environment.

4. Through its membership in the Fixed Wireless Communications Coalition (“FWCC”), API has participated in all phases of this proceeding. API also has participated in its individual capacity in licensing proceedings involving applications by Maritime Telecommunications Network, Inc. for experimental authorization to operate ESVs in a portion of the 6 GHz band.

II. REPLY COMMENTS

A. API Fully Supports the Comments of the FWCC

5. In its Comments filed in response to the Commission’s *NPRM* in this proceeding, the FWCC states that “[t]he surest way to avoid ESV interference into critical FS operations is to

prohibit ESVs from using C-band frequencies within 300 km of the U.S. coastline.”² In the event that such operations are nonetheless to be permitted, the FWCC urges the Commission to adopt the proposed Coordination Approach, with certain modifications aimed at better protecting FS operations from harmful interference. For instance, the FWCC argues that: (1) each ESV must be tied to a shipboard GPS finder with software programmed to shut down the ESV if the vessel departs from the parameters of the coordination; (2) FS operators must have real-time access to ESV vessel itineraries and other information and access to a 24/7 point of contact capable of shutting down the ESV; (3) there should be limits on the amount of C-band spectrum available for ESVs; (4) ESV license terms should be limited to two years; and (5) ESV operations should be limited to ships of 5,000 gross tons or larger.³

6. As discussed above, API member companies rely on 6 GHz microwave links to provide important safety functions in support of all aspects of their operations. Any harmful interference caused to these operations could have devastating consequences. It also should be noted that API member companies and other FS users may need to rely even more heavily on the 6 GHz band in the near future due to the reallocation of the 2.1 GHz FS band to the Mobile-Satellite Service and the Advanced Wireless Service. As a result, it is important that ESV operations not impede future FS use of the 6 GHz band.

7. API believes that the measures proposed by the FWCC -- in particular, the use of a coordinated approach, with the FWCC’s suggested modifications to the Commission’s proposals -- are reasonable ones and should be adopted by the Commission. Further, API strongly agrees with the FWCC that the burden of protecting FS systems from interference “must

² Comments of the FWCC at 3.

³ *Id.*

fall on the ESV industry as the sole economic beneficiaries of ESV operation.”⁴

B. The Coordination Distance From Shore Should Take into Account the Existence of any Offshore Microwave Facilities

8. Many API member companies operate 6 GHz FS links on offshore platforms in the Gulf of Mexico, some located 100 miles or more from the coastline. API therefore is concerned that a coordination rule based solely on the distance of the ESV from the coastline will pose a heightened risk of interference to offshore FS operations. The National Spectrum Managers Association (“NSMA”) recognizes this potential problem in its Comments and urges the Commission that, where offshore operations exist (“primarily in the Gulf of Mexico”), “the ‘coordination distance from shore’ figure should be applied from the position(s) of any offshore microwave operation.”⁵ API urges the Commission either to implement the NSMA’s proposal or, if more of a “bright line” rule is desired, to adopt a greater coordination distance from shore for ESVs in the vicinity of the Gulf of Mexico than that to be applied in other coastline areas.

III. CONCLUSION

9. API appreciates the Commission’s recognition in its *NPRM* of the importance of C-band FS operations and their right to protection from ESVs. This protection can best be ensured through adoption of the measures advocated by the FWCC. Moreover, under no circumstances should a Non-Coordination approach be adopted, as it will pose too great a risk of interference to critical FS operations. API also urges the Commission to take offshore microwave operations into consideration in adopting rules to determine at what distance coordination is to be required.

⁴ *Id.* at 16.

⁵ Comments of the NSMA at 11.

WHEREFORE, THE PREMISES CONSIDERED, the American Petroleum Institute respectfully submits the foregoing Reply Comments and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

Respectfully submitted,

**THE AMERICAN PETROLEUM
INSTITUTE**

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