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May 7, 2004

FILED ELECTRONICALLY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: RM-10821; Wireless Telecommunications Bureau Seeks Comment On
MariTEL, Inc. Petition for Declaratory Ruling and National
Telecommunications and Information Administration Petition for
Rulemaking Regarding the Use of Maritime VHF Channels 87B and 88B;
NOTICE OF EX PARTE PRESENTATION;**

**PR Docket No. 92-257; Amendment of the Commission's Rules Concerning
Maritime Communications; NOTICE OF EX PARTE PRESENTATION;**

**ET RM-10743; Commission's Rules to Promote the Use of VHF Public Coast
Station Frequencies; NOTICE OF EX PARTE PRESENTATION.**

Dear Ms. Dortch:

Pursuant to the provisions of Section 1.1206 of the rules and regulations of the Federal Communications Commission ("FCC"), MariTEL, Inc. hereby submits this letter summarizing its *ex parte* presentation in the above-referenced proceedings. On May 6, 2004, Jason Smith, Vice President of MariTEL, Inc. met with Jeffrey Tobias and Tim Maguire, both of the Wireless Telecommunications Bureau.

The parties discussed MariTEL's meeting with officials of the National Telecommunications Information Administration ("NTIA") to discuss automatic identification system ("AIS") interference studies. MariTEL shared the conclusions that it believed were reached by the parties present at the MariTEL/NTIA meeting, which included: (1) that AIS significantly impacts the electromagnetic environment of each vessel carrying a type accepted AIS transponder; (2) that the inCode and Department of Defense Joint Spectrum Center ("JSC")

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studies reached the same conclusions regarding the use of 25 kHz wide simplex AIS transmissions on coast station (B-side) frequencies; (3) that when an AIS device transmits, the noise floor on each vessel is raised to -37 dBm or higher on adjacent channels; and (4) that the JSC study's software simulation of the recommended forward error correction ("FEC") code resulted in a reduction in throughput of roughly 40 percent. MariTEL then discussed with the FCC the two AIS interference studies.

With regard to the JSC study, MariTEL indicated that the study determined that an AIS device could not co-exist with a VHF public coast station ("VPC") radio on a boat without causing interference. MariTEL explained that the JSC study investigated the use of FEC codes and revealed that using the recommended FEC code would require VPC licensees to sacrifice 40 percent of their capacity simply to tolerate AIS interference. MariTEL indicated that the use of the recommended FEC code would damage, if not eliminate, MariTEL's opportunity to use its spectrum in a profitable way because the proposed FEC code would reduce the number of users supported per channel, increase user fees, limit the applications and services that could be provided, preclude the use of widely available technologies, and limit the creation of a product development plan.

The parties also discussed the data services MariTEL envisions providing. In particular, MariTEL indicated that it planned on providing a data service with initial speeds of 20-55 kbps with second generation speeds increasing to 100 kbps. For this reason, MariTEL explained that it requires the full use of its 25 kHz channels and that the loss of a broadband channel would directly impact its customer and network capacities and its frequency re-use plan. In addition, MariTEL discussed its ability to re-use certain spectrum and described why certain solutions used to overcome other sources of interference could not be employed to resolve AIS interference.

MariTEL emphasized that the FCC should uphold its right to use the spectrum won at auction. MariTEL noted that it would be irreparably damaged if it were required to accommodate the United States Coast Guard's AIS operations on channel 87B. MariTEL explained that it has attempted to develop solutions to solve the interference, bandwidth, and spectrum rights issues, but its efforts have been thwarted because of political and regulatory impediments. MariTEL proposed that it be awarded funding to develop technologies and products that can work around AIS transmissions to ensure that adjacent channels are not damaged. Finally, MariTEL explained that it would try to afford the FCC with more flexibility in implementing the Sharing Proposal framework by allowing anyone to receive AIS information, subject to limited conditions; by agreeing to the use of internationally type accepted equipment, subject to certain conditions; and by being amenable to channel 88B licensing arrangements that honor the intent of the Sharing Proposal.

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Should there be any questions regarding this matter, please contact the undersigned directly.

Cordially yours,

/s/ Russell H. Fox

Russell H. Fox

cc: C.I. Pearson (via FedEx)
Frederick R. Wentland (via FedEx)
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Tim Maguire (via e-mail)
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