

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

In the Matter of)	
)	
Amendment of Parts 13 and 80 of the Commission’s Rules Concerning Maritime Communications)	WT Docket No. 00-48
)	
Petition for Rule Making Files by Globe Wireless, Inc.)	RM-9499
)	
Amendment of the Commission’s Rules Concerning Maritime communications)	PR Docket No. 92-257

To: The Commission

REPLY COMMENTS OF MARITEL, INC.

MariTEL, Inc. (“MariTEL”) by its counsel and pursuant to the provisions of Section 1.415 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”) 47 C.F.R. § 1.415 (2002) and the invitation extended by the FCC in the above referenced *GMDSS Second Further Notice of Proposed Rulemaking*,^{1/} hereby submits its reply comments in response to the comments of other parties that addressed the issues also raised by MariTEL in its initial comments. In this proceeding, the Commission sought comment on a variety of issues affecting the operation of public coast stations. As set forth more fully below, the record supports the rule changes recommended by MariTEL.

^{1/} *In the Matter of Amendment of Parts 13 and 80 of the Commission’s Rules Concerning Maritime Communications Petition for Rule Making Filed by Globe Wireless, Inc. Amendment of the Commission’s Rules Concerning Maritime Communications, WT Docket No. 00-48, RM-99499, PR Docket No. 92-257, Second Report and Order, Sixth Report and Order, and Second Further Notice of Proposed Rulemaking*, 19 FCC Rcd 3120 (2004); 68 FR 180007 (April 6, 2004).

Modification to Section 80.207. In its comments, MariTEL supported Globe Wireless' comments that Section 80.207^{2/} should only list emission classes for distress frequencies. For other frequencies, MariTEL concurred that "any emission type may be authorized provided such emission is contained within the authorized bandwidth of the frequency in use."^{3/} The Radio Technical Commission for Maritime Services ("RTCM") provided the only other comments to Globe Wireless' proposal. RTCM requested that the FCC consider adding emission classes to the rules for devices that are not yet type accepted.^{4/} RTCM's request, along with MariTEL's comments that the Commission recently type accepted equipment, which employ emissions not listed in Section 80.207, underscores the difficulty of keeping Section 80.207 current. RTCM's request therefore supports MariTEL's contention that listing all allowed emissions is an obsolete approach to Part 80 type acceptance. MariTEL continues to support the elimination of the emission classes in Section 80.207, for uses other than distress frequencies, as proposed by Globe Wireless.

RTCM's comments also suggest the list of permitted emissions in Section 80.207 be amended to reflect the need to "transmit routine data messages to other ships" 1) over the two AIS frequencies, and 2) using experimental "carrier sense circuitry" to permit data operation over voice channels.^{5/} Under the RTCM proposal, the FCC would permit the use of VHF equipment with "carrier sense circuitry" on MariTEL's licensed channels. MariTEL opposes this proposal for several reasons. First, the Commission has already initiated a broader

^{2/} 47 C.F.R. § 80.207.

^{3/} "Globe Wireless, Comments on: 476 [sic] CFR Chapter 1 – Possible Revision or Elimination of Rules," *Federal Communications Commission 2002 Biennial Regulatory Review*, WT Docket No. 02-310 at 2 (filed Nov. 8, 2002) ("Globe Wireless November 2002 Comments").

^{4/} Radio Technical Commission for Maritime Services Comments at 18.

^{5/} Radio Technical Commission for Maritime Services Comments at 18.

proceeding designed to address the use of cognitive radio, of which carrier sense circuitry is one form.^{6/} The comments in that proceeding raised serious questions regarding the use of cognitive radio technology in spectrum that is, like MariTEL's, the subject of an FCC auction.^{7/} There is no reason that the FCC should permit the use of cognitive radios in the licensed VHF band in advance of its determination, in the broader proceeding, of whether cognitive radios infringes on the use of the spectrum by auction winners. Second, even if the FCC decided that, as a policy matter, the use of carrier sense circuitry should be permitted, there are no non-interference parameters established for the technology. Such parameters would be required to take into consideration both voice and data transmissions (from either the carrier sense circuitry user or the auction licensee). Therefore, FCC authorization of carrier sense circuitry in the VHF context is premature.

Programming of authorized channels on VHF transmitters. MariTEL supports Globe Wireless' proposed changes to Section 80.203(b)(3)^{8/} based on the realities of today's communication systems.^{9/} That section of the FCC's rules generally specifies how programming of authorized channels must occur. Auction winners of VPC spectrum have the obligation to deploy wide area communication systems. Modern communication systems are almost

^{6/} *In the Matter of Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies; Authorization and Use of Software Defined Radios, ET Docket No. 03-108, Notice of Proposed Rulemaking and Order, 18 FCC Rcd 26859 (2003).*

^{7/} *See, e.g., Comments of the Wireless Communications Association International, Inc., ET Docket No. 03-108, at 9-11 (filed May 3, 2004); Comments of the Cellular Telecommunications & Internet Association, ET Docket No. 03-108, at 9-11 (filed on May 3, 2004); Comments of Cingular Wireless LLC and BellSouth Corporation, Docket No. 03-108, at 5-16 (filed May 3, 2004).*

^{8/} 47 C.F.R. § 80.203(b)(3).

^{9/} Globe Wireless November 2002 Comments at 1.

exclusively designed around remote shore stations controlled by centrally located network personnel and equipment. As a practical matter, programming of VHF transmitters at any site is primarily accomplished via remote software control, which provides the ability to more effectively control, monitor, and maintain the communications system. MariTEL therefore agrees with Globe Wireless' comments that the requirements of Section 80.203(b)(3) are not applicable to today's communication systems because of advancements in communications networking systems.^{10/} Because the licensee has the responsibility to transmit on only authorized frequencies, the process by which that licensee controls VHF transmitters and operates only on its authorized frequencies should be left solely with the licensee. MariTEL supports the elimination of Section 80.203(b)(3).

^{10/} Globe Wireless November 2002 Comments at 1.

MariTEL urges the Commission to consider the foregoing reply comments and act in a manner consistent with the recommendations made herein.

Respectfully submitted,

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July 6, 2004

CERTIFICATE OF SERVICE

I, Michelle Cadin, hereby certify that on this 6th day of July, 2004, the foregoing Reply Comments of MariTEL, Inc. was filed electronically on the Commission's ECFS in accordance with the Commission's rules and copies were served on the following:

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