

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|   |   |                      |
|---|---|----------------------|
| In the Matter of                          | ) |                      |
| MARITEL, INC. and                         | ) | WT Docket No. 04-257 |
| MOBEX NETWORK SERVICES, LLC               | ) | RM-10743             |
|   | ) |                      |
| Petitions for Rule Making to Amend the    | ) | NPRM released 7-3-04 |
| Commission’s Rules to Provide Additional  | ) |                      |
| Flexibility for AMTS and VHF Public Coast | ) |                      |
| Station Licensees                         | ) |                      |

**COMMENTS**  
(Late filed)

The Parties commenting here request that these Comments, filed in the hour after the filing deadline, be accepted so that the Commission will have a more full and complete record. The Parties do not believe any other party that may submit Reply Comments will be disadvantaged by such acceptance, including since ample time (30 days) has been provided for Reply Comments.

Warren Havens (“Havens”), Telesaurus Holdings GB, LLC (“THL”), Telesaurus-VPC, LLC (“TVL”) and AMTS Consortium, LLC (“ACL”) (together, the “Parties”) hereby submit comments regarding the above-captioned NPRM (the “Notice”).

Havens holds licenses in both the Automated Maritime Telecommunications Service (AMTS) and VHF Public Coast Service (VPC). THL holds VPC licenses. TVL and ACL are each winning bidders and applicants for AMTS licenses from Auction no. 57. Havens is the President of THL, TVL, and ACL.

Comments

1. The Parties do not comment at this time on matters relating to maritime VPC including since they do not have VPC licenses for areas along the coasts, Great Lakes, or

Mississippi River System.<sup>1</sup> Havens has met with the US Coast Guard regarding the Parties various FCC licenses and made it clear that they support the Coast Guard, DHS, and other federal entities in their goals and programs for safe and effective wireless. The Parties believe that their plans, as expressed to the Coast Guard, DHL, NTIA and other Federal entities, are supportive of these goals and programs.

2. The Parties agree with the changes proposed in the Notice to Sections 80.123, 80.475(c), and 20.9 of the Commission’s Rules, as they are discussed in ¶8, page 5 of the *Notice*. However, the Commission should make clear in an Order regarding these changed rules that there are no other Part 80 rule sections that the Commission interprets or may interpret to restrict use of AMTS or VPC licenses for private mobile radio service (“PMRS”).<sup>2</sup>

3. The Parties agree with the proposed change to Section 80.5<sup>3</sup> to remove “interconnected” from the definition of AMTS.

4. The Parties propose that “integrated” also be deleted from the AMTS definition, since the requirement that previously existed that an AMTS system have two or more “integrated” sites (that together provide continuity of service coverage) has been deleted.

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<sup>1</sup> One general comment of the US Coast Guard to Havens is that it is not as concerned about AMTS as it is with VPC since AMTS is not an international maritime band.

<sup>2</sup> For example, in waivers sought to use VPC exclusively for PMRS by the State of Montana (File No. 0001662537), PacifiCorp (File Nos. 0001554439 and 0001554477), State of South Dakota (File No. 0001132016) and Placer County (File No. 0001750425), these entities referred to other Part 80 rules, which may have been interpreted to prohibit or restrict use of VPC for PMRS. These waiver requests were granted. The requesters had reasonable cause to request waivers of such other Part 80 rules.

<sup>3</sup> See ¶9, page 5 of the Notice.

Clarifications proposed

This Parties request that the Commission clarify, via a Declaratory Ruling, the following, and do so either within the Order setting forth the decision on the Notice, or in a separate concurrent release.

A. Clarify that, under Section 80.123(b), if an operator of public coast system is not in fact serving any maritime radio users (such as an exclusively land-service PMRS system) that it has no obligation to provide priority to marine communications.

Practically, the system cannot give priority to any maritime radio user if that radio is not authorized on the system, at least if the system is a controlled one where only authorized radios can gain access. An operator of a PMRS system chooses who is authorized. If such operator chooses to authorize no radios to operate on vessels on waterways in the system's coverage area, then there is no case where it can give priority on the system to maritime communications.

B. Clarify that, under Section 80.123(d), the "radio equipment used on land," which can be type-accepted under Parts 22, 80 or 90, means both base-station and end-user equipment.

C. Clarify that, under Section 80.215(h)(1), if, for a particular station, a licensee may use the stated 1000 watts ERP under the conditions stated that allow for it, then the licensee may achieve this 1000 watts ERP by any combination of power into the antenna and antenna gain. Only ERP has the potential to affect the TV stations noted in this rule. The power into the antenna, per se, has no affect.

[Execution on next page.]

Respectfully,

*Warren Havens*

For himself,

And as President of:

Telesaurus-VPC, LLC  
AMTS Consortium, LLC  
Telesaurus Holdings GB, LLC

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