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December 8, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: IB Docket No. 02-10, *Earth Station Vessels*

Dear Ms. Dortch:

On behalf of the Fixed Wireless Communications Coalition (FWCC) and pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am electronically filing this notice of an oral *ex parte* communication.

In telephone conversations today with Peter Daronco of the Wireless Telecommunications Bureau and, in a separate call, with Howard Griboff and Paul Locke of the International Bureau, I made the following points:

1. A C-band ESV can cause interference into a Fixed Service receiver from any ESV antenna angle, even from the back of the ESV transmitter dish.

2. The Commission should require C-band ESV operators to install a GPS-based or equivalent device that automatically shuts off the transmitter if the ship leaves the region for which it is frequency coordinated.* It is not plausible that anyone on board the vessel or at the ESV control center will always recognize the need to do this manually at the appropriate time. An alternative proposed by the ESV industry -- Commission sanctions for a license violation -- is inadequate, not only because the violation is

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* The Commission requires such a device to automatically prevent the operation of unlicensed PCS devices outside their coordinated areas. See 47 C.F.R. Sec. 15.307(e).

extremely difficult to prove, but more importantly because the sanctions would come far too late, long after the damage has been done.

3. C-band ESV providers should collectively be limited to two satellites and two transponders per satellite. If each ship is allowed to coordinate different satellites and transponders, it would take only a few ships to coordinate the entire band and thus lock out any Fixed Service expansion in the vicinity of the coordinated route. (Alternatively, the Commission could specify the restriction in terms of an equivalent amount of spectrum, without regard to specific satellites and transponders.) On the other hand, ESV spectrum need not be the same at all ports. Boston and Seattle, for example, could specify different satellites and transponders (or spectrum) without excessively hindering Fixed Service expansion.

4. C-band ESVs should be limited to vessels of 5,000 gross tons or larger to prevent undue proliferation, especially in inland waterways. (This condition would be less crucial to the Fixed Service if ESV spectrum is appropriately limited, as in the preceding paragraph.) Smaller vessels that wish to operate inland can provide ESV service via Ku-band satellites. The FWCC has no objection to KU-band operation anywhere.

5. The Fixed Service request for a C-band coordination distance of 300 km can be relaxed somewhat if, to protect offshore Fixed Service facilities (such as those on oil platforms), the coordination distance is measured not from the coastline but from the Fixed Service facility farthest offshore.

The FWCC does not oppose ESVs. We do, however, ask the Commission to arrive at a set of rules for ESVs that will protect critical Fixed Service operations, including those that support public safety communications (including police and fire dispatch), coordinate railroad trains, control natural gas and oil pipelines, and regulate the electric grid.

Please do not hesitate to call with any questions.

Respectfully submitted,

Mitchell Lazarus
Counsel for the Fixed Wireless
Communications Coalition

cc: Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Kevin Martin
Commissioner Jonathan Adelstein
Sheryl Wilkerson
Jennifer Manner
Paul Margie
Sam Feder
Barry Ohlson
Peter Daronco
Howard Griboff
Paul Locke