Before the
Federal Communications Commission
Washington DC 20554

In the Matter of	
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	IB Docket No. 02-10

OPPOSITION TO PETITION FOR RECONSIDERATION

Pursuant to Section 1.429(f) of the Commission's Rules, the Fixed Wireless Communications Coalition (FWCC) files this Opposition to the "Petition for Clarification and/or Partial Reconsideration of Maritime Telecommunications Network, Inc." of the Report and Order (R&O) in the above-captioned proceeding on the operation of earth station vessels (ESVs).[1]

In addition, the FWCC supports that portion of the "Petition of PanAmSat Corporation for Reconsideration or Clarification" favoring (1) a requirement for shutdown when an ESV

---

[1] *Satellite Earth Stations on Board Vessels*, 20 FCC Rcd 674 (2005) (Report and Order) (R&O). The FWCC is a coalition of companies, associations, and individuals interested in the Fixed Service -- *i.e.*, in terrestrial fixed microwave communications. Our membership includes manufacturers of microwave equipment, licensees of terrestrial fixed microwave systems and their associations, and communications service providers and their associations. The membership also includes railroads, public utilities, petroleum and pipeline entities, public safety agencies, cable TV providers, backhaul providers, and/or their respective associations, common carrier and private communications carriers, and telecommunications attorneys and engineers. Our members build, install, and use both licensed and unlicensed point-to-point, point-to-multipoint, and other fixed wireless systems, in frequency bands from 900 MHz to 95 GHz. For more information, see www.fwcc.us.

antenna is mispointed by more than 0.2 degrees;[2] and (2) limits on off-axis antenna gain and power density.[3]

DISCUSSION

Maritime Telecommunications Network, Inc. (MTN) seeks the elimination of three requirements relating to frequency coordination in newly adopted Section 25.221(e), namely, (1) that the "details of [ESV] coordination" be placed on public notice; (2) that an ESV operator shut down in response to objections to coordination during the 30-day public notice period; and (3) that an ESV operator coordinate within 200 km of an offshore FS facility.

The FWCC opposes each of these requests on the ground that it will reduce the interference protection to co-primary FS operators without providing concomitant benefits. The rule should retain its present form (with the minor exception noted below).

Public notice of the coordination details is not new for ESVs, but merely follows the long-standing practice for earth stations generally. It is the only means for potentially affected FS operators to confirm that they were properly taken into account. MTN objects that coordination is expensive, and that competing ESV providers could appropriate MTN's coordination data to save themselves the expense.[4] The objection is not well founded. Each ESV provider is required to complete its own coordination prior to operation.[5] The coordination house (not the applicant) may benefit slightly from having already done the job for MTN, to the

---

[2] PanAmSat at 3.

[3] PanAmSat at 5.

[4] MTN at 3.

[5] 47 C.F.R. Sec. 25.221(e).

small extent of having identified FS stations within the coordination zone -- but only if the competitor comes to the same coordination house, applies immediately after MTN does, and specifies an identical water route. The coordinator still must send out and process prior coordination notices, so any cost saving is minimal. And even that is unlikely to benefit the ESV applicant.

Shutdown during the 30-day public notice period is the only remedy available to an FS operator that was overlooked in the coordination, or has an unresolved, potential interference conflict with the proposed ESV. We expect such post-coordination objections to be extremely rare, and any that do occur should be quickly resolved. MTN fears the provision will be "subject to mischief."[6] But an FS provider has nothing to gain from challenging a non-interfering ESV coordination, and hence no incentive to abuse the process. If any such abuse did occur, we are confident the Commission would take swift and appropriate action.[7]

Finally, MTN's proposed revision of the rule on coordination distance would unnecessarily increase the risk of interference to offshore FS operations. The challenged rule requires an ESV to coordinate prior to operation "within 200 km from the baseline of the United States, or within 200 km from a fixed service offshore installation."[8] This ensures adequate

---

[6] MTN at 4.

[7] *See* 47 C.F.R. Secs. 1.17, 1.52 (requiring truthful submissions to the Commission). MTN also objects that shutdown during the public notice period would relegate ESV operations to a "status lower than secondary." MTN at 5. We disagree. The provision merely reflects the obligation of a co-primary user to avoid interfering with a pre-existing co-primary user.

[8] 47 C.F.R. Sec. 25.221(e).

protection for both onshore and offshore FS stations. MTN would change the rule to require coordination within 200 km of the coast with all FS licensees, including those offshore.[9]

The requested change is small in words, but would have enormous impact on the FS. Some outlying FS stations on oil platforms are 160 km offshore. Under MTN's proposal, an ESV could operate just 40 km away over open water with no coordination at all. There is no justification for exposing FS users to that high a risk of interference. At least one FS installation is 220 km offshore, and under MTN's proposal need not be considered at all in coordinations -- a result completely inconsistent with the intent of the proceeding.

MTN says that non-U.S. ESVs need only coordinate within 200 km of the coast, citing Resolution 902 (WRC 2003).[10] But the language of that resolution effectively sets a coordination distance of *300 km*.[11] Moreover, Recommendation ITU-R SF.1585 (2002) requires measuring the 300 km not from the coastline, but from offshore FS facilities.[12] The international regulations are thus more stringent than the Commission's, and afford MTN no relief.

---

[9] MTN at 5-6 and Attachment.

[10] MTN at 6 & n.3.

[11] "The minimum distances from the low-water mark as officially recognized by the coastal State beyond which ESVs can operate without the prior agreement of any administration are *300 km in the 5 925-6 425 MHz band* . . . . Any transmissions from ESVs within the minimum distances shall be subject to the prior agreement of the concerned administration(s)." Resolution 902 (WRC 2003), Annex 1, para. 4 (emphasis added).

[12] "The operating contour starts at the minimum distance from shore where the level of interference to FS systems is not expected to exceed permissible levels. This would include islands, *man-made offshore structures* and peninsulas, if applicable." Recommendation ITU-R SF.1585 (2002), Section 3.2 (emphasis added).

MTN also objects that the present requirement calls for coordination with any offshore FS station anywhere in the world.[13] The FWCC does not oppose clarifying the rule to require coordination within 200 km of a *U.S.-licensed* offshore FS facility.

CONCLUSION

The Commission's ESV coordination rules achieve a workable and practical balance between operating flexibility for ESVs and interference protection for the FS. MTN's proposals would unjustifiably upset that balance at the expense of the FS. The Commission should deny MTN's petition as counter to the public interest.

Respectfully submitted,

Mitchell Lazarus
FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0440
Counsel for the Fixed Wireless
Communications Coalition

April 21, 2005

[13] MTN at 6.

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the law firm of Fletcher, Heald & Hildreth, PLC, do hereby certify that a true copy of the foregoing Opposition to Petition for Reconsideration was served, by hand delivery, this 21st day of April, 2005, upon the persons named on the attached service list, except that persons marked with an asterisk were served by U.S. mail postage prepaid.

/ s /

Deborah N. Lunt

SERVICE LIST

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Donald Abelson, Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Anna M. Gomez, Deputy Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Roderick Porter, Deputy Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Jackie Ruff, Associate Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Linda L. Haller, Associate Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Jacqueline M. Ponti, Associate Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

John Giusti, Associate Bureau Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Richard Engelman, Chief Engineer
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Steven Spaeth, Legal Advisor
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

David Strickland, Legal Advisor
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Jim Ball, Chief
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

JoAnn Ekblad, Assistant Division Chief
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Howard Griboff, Assistant Division Chief
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Breck Blalock, Deputy Chief
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Claudia Fox, Deputy Chief
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

George Li, Deputy Chief, Operations
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

David Krech, Senior Legal Advisor
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Belinda Nixon, Attorney
Policy Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Scott D. Delacourt, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Uzoma Onyeije, Legal Advisor
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Joel Taubenblatt, Chief
Broadband Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

John J. Schauble

Wireless Telecommunications Bureau

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Peter Daronco, Assistant Chief
Broadband Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Tom Stanley, Chief Engineer
Broadband Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Mike Pollak, Electronics Engineer
Broadband Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Paul R. Rodriguez *
Stephen D. Baruch
Leventhal Senter & Lerman PLLC
2000 K Street NW
Suite 600
Washington DC 20006
Counsel for Maritime Telecommunications Network, Inc.

Joseph A. Godles *
Goldberg, Godles, Wiener & Wright
1229 Nineteenth St. NW
Washington DC 20036
Counsel for PanAmSat Corporation