

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

In the Matter of)	
)	
Amendment of the Commission’s Rules)	
Regarding Maritime Automatic)	WT Docket No. 04-344
Identification Systems)	
)	
Petition for Rule Making Filed by)	RM-10821
National Telecommunications and)	
Information Administration)	
)	
Emergency Petition for Declaratory)	
Ruling Filed by MariTEL, Inc.)	
)	
Amendment of the Commission’s Rules)	PR Docket No. 92-257
Concerning Maritime Communications)	

PETITION FOR RECONSIDERATION OR CLARIFICATION

MariTEL, Inc., by its attorneys and pursuant to the provisions of Section 1.429 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”) hereby seeks reconsideration or clarification of the Report and Order in the above referenced proceeding.^{1/} As demonstrated more completely below, the FCC erred in not establishing rules to govern the potential interference that will be caused by the operations of VHF Public Coast (“VPC”) stations to Automatic Identification System (“AIS”) stations. It also erred in apparently re-allocating channel 87B for AIS use throughout the inland portions of maritime VPC areas, and

^{1/} *Amendment of the Commission’s Rules Regarding Maritime Automatic Identification Systems*, Report and Order, Further Notice of Proposed Rule Making and Fourth Memorandum Opinion and Order, 21 FCC Rcd 8892 (2006) (“*Order*”). This Petition for Reconsideration or Clarification (“*Petition*”) addresses only the Commission’s Report and Order cited above; MariTEL has simultaneously submitted comments in response to the Further Notice of Proposed Rule Making in this docket.

by apparently allowing site-based licensees to continue operations until the expiration of their licenses but denying the same right to MariTEL.

Background

MariTEL was the largest provider of VHF Public Coast (“VPC”) services in the United States and, through various predecessors in interest, provided ship-to-shore services for over forty years. In 1999 and again in 2001, MariTEL actively participated in the FCC’s auctions of VPC station licenses.^{2/} As a result, MariTEL became the exclusive entity (except for site-specific incumbent licensees) authorized to operate on maritime VPC spectrum. MariTEL recently notified the FCC that it satisfied its initial substantial service obligation for all but two of its maritime VPC authorizations.^{3/}

^{2/} “FCC Announces the Conditional Grant of 26 VHF Public Coast Station Licenses,” *Public Notice*, DA 99-195, 1999 FCC LEXIS 2251 (rel. May 21, 1999) (announcing that MariTEL was the winning bidder of nine VHF public coast licenses); “VHF Public Coast and Location and Monitoring Service Spectrum Auction Closes: Winning Bidders Announced,” *Public Notice*, DA 01-1443 (rel. June 15, 2001) (announcing that MariTEL was the winning bidder of seven inland VPC licenses).

^{3/} See Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ530 - VPC001, filed June 2, 2006; Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ533 - VPC002, filed June 2, 2006; Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ534 - VPC003, filed June 2, 2006; Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ535 - VPC004, filed June 2, 2006; Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ531 - VPC005, filed June 2, 2006; Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ536 - VPC006, filed June 2, 2006; Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ532 - VPC007, filed June 2, 2006; Amended Notice of Compliance With Substantial Service Requirement for VHF Public Coast Station License WPOJ532 - VPC007, filed July 24, 2006. The FCC has not yet addressed MariTEL’s request for extension of time related to its Alaska and Hawaii maritime VPC licenses and its inland VPC authorizations. See MariTEL, Inc. Request For Rule Waiver and Extension of Construction Deadline, filed May 24, 2005; MariTEL, Inc. Supplement to Request for Rule Waiver and Extension of Construction Deadline, filed July 26, 2006.

In this proceeding, the FCC proposed to reallocate spectrum licensed to MariTEL -- maritime channel 87B (161.975 MHz) -- for AIS operations. Accordingly, MariTEL was an active participant in this proceeding. The compelling evidence presented by MariTEL notwithstanding, the FCC determined to reallocate channel 87B. Accordingly, MariTEL is an "interested person" as envisioned by Section 1.429 of the rules and is permitted to submit this Petition.

Discussion

In its comments in Docket 04-344, MariTEL demonstrated that legal, technical and public policy reasons militated against the Commission's reallocation of MariTEL's channel 87B. The Commission incorrectly found that none of MariTEL's justifications overcame the benefits the FCC cited for allocating channel 87B for AIS. MariTEL continues to believe that the FCC's decision is fraught with erroneous conclusions. However, except as noted herein, MariTEL has determined that it is not in its interest or the public's interest to challenge the FCC's right to designate channel 87B for AIS.

Even though MariTEL's principal purpose in submitting this Petition is not to challenge the reallocation of channel 87B, MariTEL believes, particularly in light of recent events, that the *Order* must be reconsidered or clarified for three reasons. First, the *Order* fails to establish meaningful interference obligations, which obligations the Coast Guard is now attempting to impose on MariTEL on its own. Second, the *Order* recognizes that no case currently exists for allocating channel 87B for AIS in the inland VPCs, but nonetheless reallocates the inland portion of MariTEL's maritime VPCs for AIS. Third, the *Order* permits site-based incumbent licensees to continue operating on channel 87B on a primary basis until the expiration of their licenses, but denies the same right to MariTEL.

1. The *Order* Does Not Establish Necessary Interference Guidelines

The *Order* does not firmly establish MariTEL's obligations with respect to interference caused by VPC operations to AIS transmissions. MariTEL continues to build out its VPC system; in order for MariTEL to design and implement its system, it is critical that it know how the FCC will address this issue.

As part of its demonstration that public policy required that the FCC decline to allocate channel 87B for AIS, MariTEL provided evidence that VPC operations would cause harmful interference to AIS.^{4/} Nevertheless, the FCC decided that “[i]n view of the sparseness of the existing record regarding VPC-to-AIS interference, and the speculative nature of MariTEL's concerns, we believe it would be premature to address this issue at this time.”^{5/}

MariTEL's concerns were not speculative at the time that the *Order* was released and, in light of recent events, it is not premature for the FCC to address this issue. In fact, the FCC's failure to address this issue promptly may have a deleterious effect on MariTEL's ability to design and implement its system.

The *Order* was released in July, 2006. In June, 2006, the undersigned counsel was contacted by a representative of the United States Coast Guard (“Coast Guard”) requesting a meeting between Coast Guard and MariTEL and Coast Guard officials “relating to potential

^{4/} MariTEL also provided extensive evidence that AIS operations -- as conducted on a single wideband channel on the “wrong” side of the transmission path -- would cause extensive harmful interference to VPC stations. *See, e.g.*, Comments of MariTEL, Inc., WT Docket No. 04-344, RM-10821, at 19-32 (filed December 30, 2004); Reply Comments of MariTEL, Inc., WT Docket No. 04-344, RM-10821, at 5 (filed January 31, 2005).

^{5/} *Order* at n. 118.

interference to AIS from voice communications on MariTEL's Channels 27 and 28."^{6/} The July 31 letter recounts an earlier conversation in which the Coast Guard indicated that "there was a fairly simple 'fix'" to the VPC-to-AIS interference problem.^{7/} Accordingly, within days after the release of the *Order*, the Coast Guard contemplated a "fix" to a problem that the FCC did not believe existed.^{8/} Based on this new evidence only -- which did not exist at the time of release of the *Order* -- the FCC must reconsider or clarify its decision. The new evidence plainly indicates that all of the relevant parties -- MariTEL and the Coast Guard -- recognized the existence of a problem that only the Commission incorrectly failed to acknowledge.

Further justification for reconsideration or clarification of the *Order* is provided by the Coast Guard's follow up letter of August 10, 2006.^{9/} There, the Coast Guard provided an indication of how it believed the VPC-to-AIS interference problem should be solved. In particular, the Coast Guard apparently believes that prior frequency coordination is required so that AIS and VPC stations are sufficiently geographically separate so as not to cause harmful

^{6/} See letter from Larry S. Solomon, Spectrum Management Counsel, Spectrum Management Division, United States Coast Guard to Russell H. Fox, dated July 31, 2006, a copy of which is attached hereto as **Exhibit A** ("July 31 Letter").

^{7/} *Id.*

^{8/} The Coast Guard apparently did not believe that the problem of VPC interference to AIS existed, either—until the adoption of the *Order*, that is—as MariTEL raised the issue during the proceeding but the NTIA argued that the issue was not ripe for the Commission's consideration. See *Order* at n.118.

^{9/} See, letter from Larry S. Solomon, Spectrum Management Counsel, Spectrum Management Division, United States Coast Guard to Russell H. Fox, dated August 10, 2006, a copy of which is attached hereto as **Exhibit B** ("August 10 Letter"). In the August 10 letter the Coast Guard admitted what MariTEL had demonstrated to the FCC, but what the FCC failed to acknowledge in the *Order*. It recognized that AIS operations cause degradation to, and will be degraded by, VPC stations. The FCC found to the contrary in the *Order*, determining only that interference might be caused by AIS operations to VPC stations, but that such interference could be cured by MariTEL's adoption of technology commercially available at reasonable cost.

interference to each other. The Coast Guard's procedures, while admittedly preliminary in nature, contemplate each party's provision of a significant level of technical data **prior** to any station initiating operations. If one party believed that a proposed station was likely to cause interference, the Coast Guard anticipates that modifications of the proposed station might be required prior to initiation of operations.

MariTEL argued that the FCC was not permitted to, and should not as a matter of policy, adopt regulations that impact its operations by requiring it to accept harmful interference. The FCC found that whatever interference might exist could be managed through "commercially reasonable means."^{10/} MariTEL continues to disagree with the FCC's decision, and the August 10 letter demonstrates that MariTEL's disagreement is justified. Nevertheless, it is one thing for the FCC to require MariTEL to unilaterally take commercially reasonable measures to protect itself from interference and another for MariTEL's business operations to be restricted by an obligation -- based on presumed interference that the FCC did not believe exists -- to coordinate its operations with the Coast Guard.

The FCC's rules permit MariTEL to locate its base stations anywhere it chooses based on commercial demands, so long as it protects incumbent licensees and otherwise complies with the Commission's obligations.^{11/} This licensing flexibility is a critical component to the value of a geographic area license. The Coast Guard proposes to strip MariTEL of that value as it has stripped MariTEL of channel 87B. MariTEL, like any Commission licensee, has an obligation to ameliorate harmful interference when it occurs. However, to restrict MariTEL to site stations as

^{10/} *Order* at ¶ 32.

^{11/} *See* 47 C.F.R. § 80.371(c)(4).

the Coast Guard envisions would be a fundamental modification to the geographic licensing rules under which MariTEL participated in the auction.

While MariTEL is pleased to cooperate with the Coast Guard in cases where there is demonstrated interference, it seeks the FCC's clarification that it is not required to engage in prior frequency coordination with the Coast Guard or any other entity as part of its deployment process.^{12/} Such a requirement would be a fundamental departure from the manner in which the FCC regulates geographic area licensees in general and the rules under which the VPC spectrum was auctioned in particular.

If prior coordination with the Coast Guard is required, it can only mean one thing -- that MariTEL's claims of harmful interference to and from AIS operations were correct and that the FCC must reconsider its decision (which was based on the notion that the interference from AIS could be managed by commercially reasonable means) to designate channel 87B for AIS. If the FCC upholds its decision to reallocate channel 87B -- presumably because it continues to believe the existence of interference only to the extent stated in the *Order* -- then it must confirm that

^{12/} MariTEL seeks the FCC's guidance because, among other reasons, the Coast Guard does not appear willing to engage MariTEL in meaningful discussions regarding this issue. Dan Smith, president of MariTEL, communicated with the Coast Guard on August 16, 2006 by letter, on August 17, 2006 by phone call, on August 28, 2006 by letter and on September 15, 2006 by e-mail (see **Exhibit C**). There has been no meaningful follow up by the Coast Guard. In those communications MariTEL attempted to suggest other means by which harmful interference could be ameliorated -- including the use of funds allocated by Congress specifically for this purpose. See Coast Guard and Maritime Transportation Act of 2006, Pub. L. No. 109-241, 100 Stat. 516, 546 § 419 (July 11, 2006). However, instead of taking the Congressionally envisioned approach, the Coast Guard appears wedded to a plan that is contrary to one of the fundamental bases of the geographic area licensing scheme. This Petition is critical, therefore, to establishing MariTEL's rights to proceed as the rules permit it.

MariTEL has no obligation to engage in prior frequency coordination with the Coast Guard in the manner the Coast Guard plainly envisions.^{13/}

2. The Order Incorrectly Reallocates the Inland Portion of MariTEL's Maritime VPCs for AIS

In its *2004 AIS NPRM*,^{14/} despite NTIA's request that channel 87B be reallocated for AIS nationwide, the Commission tentatively concluded that "[t]he current record does not reflect a need for AIS spectrum in the inland VPCsAs, which do not contain or approach any major waterways." After comments were submitted on the *2004 AIS NPRM*, including comments by the NTIA suggesting that it may one day develop a satellite-based AIS system requiring a nationwide footprint, the Commission maintained its position of declining to allocate channel 87B for AIS in the inland VPCs, although it did ask for further comment on the issue.^{15/}

The Commission made the right call in this instance, as there is no justification for the proposed reallocation of channel 87B on a nationwide basis. As the Commission recognizes, "the existing record provides almost no information regarding the technical feasibility, effectiveness or potential benefits of satellite AIS, and no studies or analysis of potential interference to and from satellite AIS. We are not convinced, based on the current record, that

^{13/} The Coast Guard's approach envisions coordination on *adjacent* channels. While coordination of co-channel operations is a usual procedure in the wireless services, coordination of adjacent channel operations is not. Moreover, Section 80.773 of the rules, 47 C.F.R. § 80.773, explicitly provides guidance for co-channel interference protection. However, there are no provisions in the regulations governing the maritime services for adjacent channel interference protection for coast stations. Therefore, in addition to the reasons cited above, MariTEL could never have anticipated an obligation to provide adjacent channel protection.

^{14/} *Amendment of the Commission's Rules Regarding Maritime Automated Identification Systems; Petition For Rule Making Filed by National Telecommunications and Information Administration; Emergency Petition for Declaratory Ruling Filed by MariTEL, Inc.*, Memorandum Opinion and Order and Notice of Proposed Rule Making, 19 FCC Rcd 20071 (2004) ("*2004 NPRM*").

^{15/} *Order* at ¶ 52.

we should depart from the Commission’s earlier determinations limiting the scope of the AIS set-aside.”^{16/} MariTEL concurs.

Nonetheless, the *Order* appears to allocate all of the maritime VPC areas for AIS use despite the fact that substantial portions of the maritime VPCs are, in effect, inland VPCs. The *Order* does not explain how the inland portion of maritime VPCs is any different or more critical for AIS than the inland portion of the inland VPCs, and there is none. It is therefore not reasonable to deny MariTEL the beneficial use of channel 87B in the inland portions of its maritime VPCs. The Commission should therefore reconsider its reallocation of channel 87B for AIS throughout MariTEL’s maritime VPCs, and should limit that reallocation to only the maritime portions of the maritime VPCs. Alternatively, the FCC should clarify that this matter, like the use of channel 87B for AIS purposes in inland VPC areas, remains under consideration.

3. The *Order* Permits Incumbent Site-Based Licensees to Continue Operating on Channel 87B on a Primary Basis until the Expiration of their Licenses, But Appears to Treat MariTEL Differently.

As the Commission explained in the *Order*, there are presently six site-based VPC licensees authorized to operate on channel 87B.^{17/} Although the *Order* anticipates ultimately requiring these licensees to abandon their use of channel 87B, it nonetheless permits them to continue operations for the duration of their license term, clearing the band for AIS use through non-renewal of incumbent licenses.^{18/} It took this action because the Commission is “unaware of any actual interference to AIS transmissions from these VPC operations.”^{19/}

^{16/} *Id.*

^{17/} *Order* at ¶ 53.

^{18/} *Id.* at ¶ 56.

^{19/} *Id.*

EXHIBIT A

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-622
Phone: (202) 475-3556
Fax: (202) 475-3927
Email: LSolomon@comdt.uscg.mil

2400

July 31, 2006

Russell H. Fox, Esquire
Mintz, Levin
701 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Russell:

I contacted you at the end of June to request that representatives from the United States Coast Guard ("USCG"), and possibly a representative from the National Telecommunications and Information Administration ("NTIA"), meet with appropriate MariTEL personnel to discuss technical issues relating to potential interference to AIS from voice communications on MariTEL's Channels 27 and 28. As you know, Channels 27 and 28 are interleaved with, and adjacent to, the AIS Channels.

During a follow-up telephone conversation, I indicated that the parties should meet to attempt to work out an adjacent channel frequency coordination plan in accordance with good engineering practices and recognized frequency coordination procedures. I also stated that engineering studies were underway and we believed there was a fairly simple "fix," provided the parties worked together.

We agreed on a 9 August 2006 meeting at MariTEL's headquarters outside of Atlanta, Georgia. Upon further reflection, however, the USCG believes that it would be a much more efficient and effective use of everyone's time if, prior to the meeting, NTIA and the USCG present a proposed adjacent channel frequency coordination plan to MariTEL, and MariTEL has an opportunity to comment on the proposal.

Accordingly, the meeting should be postponed until such time as MariTEL has an opportunity to review and comment on the proposed frequency coordination plan. We are currently working on the plan and hope to have it to you within approximately 30 to 45 days.

We appreciate MariTEL's willingness to discuss this important issue and look forward to working with you to develop a frequency coordination plan, consistent with good engineering practices, that protects the important public safety and security interests in AIS while permitting MariTEL to conduct its business successfully.

Sincerely,

A handwritten signature in cursive script that reads "Larry S. Solomon".

Larry S. Solomon
Spectrum Management Counsel
Spectrum Management Division
BY DIRECTION OF THE COMMANDANT

EXHIBIT B

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
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2400

August 10, 2006

Russell H. Fox, Esquire
Mintz, Levin
701 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Russell:

This is to follow up on my letter of July 31, 2006 concerning the USCG/NTIA development of a frequency coordination plan. You called and stated that MariTEL was continuing system construction and that it would be difficult to wait 30-45 days to see the frequency coordination proposal. Therefore, you proposed a brief conference call to discuss some of the aspects of the proposed frequency coordination plan.

At this point, we do not see any benefit to a conference call as we are developing a frequency coordination plan and, quite frankly, we are not sure what the final product will look like. In addition, we are not sure exactly where many of our AIS stations will be located (although it is obvious that locations will include busy port areas). Nevertheless, in order to convey our current thinking, set forth below are our preliminary thoughts about the coordination proposal.

Channels 27 and 28 are the primary channels, as we understand it, for the SeaSmart voice system. As you know, these channels are adjacent to, and interleaved with, the internationally and FCC allocated AIS channels. Our intent is to follow good engineering practices and common traditional frequency coordination procedures. For example, previous electromagnetic compatibility ("EMC") studies by NTIA¹ and JSC² have shown that AIS and VPC channels with frequency separations of less than two adjacent channels (± 50 KHz) require coordination and geographical separation between sites to insure that both systems can operate without degradation from the other system. Accordingly, among other things, an assessment of the amount of geographical separation between AIS stations and SeaSmart stations as a function of frequency separation and other technical parameters is needed.

The previous EMC studies were based on field and laboratory measurements of candidate base station and mobile VPC and AIS equipment. The measurement data demonstrated inter-

¹ NTIA Technical Report (NTIA_rpt_00_376) on "Electromagnetic Compatibility (EMC) Between Marine AIS and Public Correspondence Systems in the Maritime Mobile VHF Band". This report deals with the effects of the VPC (VHF Public Correspondence) service on the AIS (and vice-versa) as a function of frequency separation and distance separation. Conclusions from test results indicate that simultaneous operation of both systems in the same area is a potential problem when frequency separation between the systems is less than 50 KHz (twice the 25 kHz adjacent channel separation).

² JSC Report (JSC-PR-04-007) on "EMC Analysis of Universal Automatic Identification and Public Correspondence Systems in the Maritime VHF Band." This report primarily addresses the effects of the AIS on the VPC service, but the information is useful in assessing the adjacent channel signal levels between the two systems. These levels appear to be problematic to the AIS when the level from the VPC is a FM-CW carrier (voice transmission). At the time of the report, the proposed VPC system was a digital data system, but more recently, the VPC service is now a voice service.

system interference when the frequency channels were closely spaced and the geographical locations were in close proximity. This inter-system interference was defined in terms of the degradation of the received signal quality of one system from the transmitter of the other system. This effect can be attributed to the emissions spectrum of the transmitter on the other system encroaching on the receiving channel of interest (the other system's transmitter adjacent channel power ratio ("ACPR")) and/or to the ability of the receiver on the system of interest to reject the transmitter power of the other system on its own channel (the system of interest's receiver adjacent channel rejection ratio, ACRR).

As you know, the ACPR requirements for the VPC channels in the United States are found in Part 80 of the Commission's rules, and the ACRR requirements for AIS ship and base stations and are set by the international standards, IEC 61993-2 and IEC 62320-1. While these levels are the established standards set by the government and industry, the achievable performance levels at the system level may be higher, depending on the actual equipment used (*e.g.*, transmitters with higher ACPR and/or receivers with higher ACRR), optional additional equipment (*e.g.*, special filters and/or directional antennas) and site parameters (*e.g.*, elevation and orientation of antennas). The necessary minimum inter-system geographical separations will be a function of all these considerations.

In accordance with the foregoing, it is anticipated that the USCG Frequency Coordination Plan will request that the parties provide information to each other including, but not limited to the following:

- Antenna tower address, latitude and longitude
- Antenna height above ground and above sea level
- Antenna make and model
- Antenna gain and EIRP
- Antenna orientation
- Transmitter make, model, and output power
- Transmitter emissions spectrum³
- Any equipment/operations to limit interference

This information will be processed to determine if the proposed station will cause interference. If there is a probability of interference, then recommendations will be made on how to minimize/alleviate the interference to the maximum extent practicable. If costs will be involved to remedy the interference, some mechanism will have to be developed to determine who, in a fair and reasonable manner, will be responsible for the costs of remediation. Also, procedures will have to be developed to somehow protect the "first stations" that are constructed at a particular site when, at the time of the construction, there was no probability of interference and that probability increases when a "new" station is placed in close proximity to the existing station. Finally, parties would be free to add or modify locations and equipment in accordance

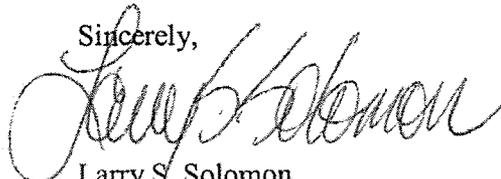
³ For example, the data on file for the MCT-100T transmitter, which we believe is currently in use for the SeaSmart service, shows a 75 kHz span centered on the carrier.

Russell H. Fox, Esquire
August 10, 2006
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with their needs so long as the frequency coordination procedures are followed for the new or modified site.

We certainly hope that the foregoing is helpful. We are attempting to develop our frequency coordination proposal as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry S. Solomon".

Larry S. Solomon
Spectrum Management Counsel
Spectrum Management Division
BY DIRECTION OF THE COMMANDANT

EXHIBIT C



Larry S. Solomon
Spectrum Management Counsel
Spectrum Management Division
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001

Via E-Mail

August 16, 2006

Dear Larry,

This is in response to your letter to Russell Fox concerning the USCG/NTIA frequency coordination plan and MarITEL's request for a conference call.

We appreciate the USCG/NTIA's preliminary outline of a possible USCG Frequency Coordination Plan as it provides MarITEL with some indication of what may be expected as the FCC Regional VPC license holder of the spectrum in question. While our plans are clearly defined in some aspects we also have several emerging opportunities that make the future use of the VPC spectrum dynamic and difficult to forecast the information you have suggested that the parties may provide.

While the USCG has a keen interest in the potential interference from Channels 27 and 28 to your AIS shore stations MarITEL has a similar interest in working with the USCG on solving the AIS interference from ship stations to MarITEL's use of the VPC spectrum. Along those lines, we desire to speak with the USCG at the earliest convenience regarding the plans for implementing the recent legislation that identifies funds to be used to develop a solution for the ships station interference from AIS.

MarITEL stands ready and willing to work with the USCG on these interference issues. We understand that we have customers that have relationships with the USCG and their sharing of information about our network operations is quite normal but our customers do not in all cases have the full understanding of our total business operations and plans. So, we encourage the USCG to contact me directly for information. We also request that the USCG contact MarITEL directly with all communications rather than our FCC counsel. It is our desire to have an open line of communication with the USCG as all of the contentious issues between the USCG and MarITEL have passed and it is our desire to develop an amicable working relationship with the USCG on any issues related to maritime communications.

As we had a meeting previously scheduled to discuss frequency coordination in our offices for August 9, 2006 our invitation remains open to review your completed plan first hand. The opportunity to discuss these important issues face to face in our opinion will lead to a greater understanding on both our parts to each other's specific needs.

Best Regards,



Via E-Mail

Captain Len Ritter
Chief, Office of Communication Systems (CG-62)
U.S.C.G. Headquarters
2100 Second Street, SW
Washington, D.C. 20593-0001

August 28, 2006

Dear Captain Ritter,

We covered a considerable amount of information in our phone call August 17th so I thought it would be helpful to provide a brief summary from MarITEL's perspective keeping in mind the time table set by congress for the potential development of an integrated AIS B transponder that would allow for data transmission without interference to vessels carrying an AIS B Transponder.

The USCG is interested, per correspondence we received from Larry Solomon outlining steps for frequency coordination, to reduce or eliminate interference to AIS Coast Stations from transmission from VPC channels through a frequency coordination plan. MarITEL needs a solution to the interference from ship stations carrying an AIS transponder. MarITEL is of the opinion that we can work together to solve both of our issues through the development of an integrated AIS Transponder B with a VHF data radio.

MarITEL chose channels 27 & 28 for our primary voice transmission due to the interference to our data radio service from AIS. We are positioning our data transmissions as far away as possible from channels 87B due to the interference to ship station operations from the AIS transmissions. Recent legislation, which allows the USCG to fund a grant for the development of an integrated Class B transponder, was specifically passed for the purpose of alleviating interference to MarITEL's full use of all of our VPC channels for data. We understand that the USCG would like for MarITEL to use these channels for data only but without a solution to the ship stations interference from AIS we have no choice but to use these channels for voice transmissions so that we can use channels further away from AIS for data.

We have long term contracts with several large customers to provide voice transmissions on channels 27 & 28 (near nation wide) as well as to provide VHF data services on other channels. As we are in the early stages of deployment to fulfill these agreements we have a window available to consider the alternative of using channels 27B & 28B for data if we have a solution for the AIS interference as contemplated in the bill approved by Congress.

We would like to discuss this issue at your earliest convenience rather than waiting for a frequency coordination plan that may not address our mutual concerns.

You can reach me at 678.935.0217 (desk) or 770.712.1434 (cell) or by e-mail dsmith@maritelusa.com.

Best Regards,

Dan

From: Dan Smith [dsmith@maritelusa.com]
Sent: Friday, September 15, 2006 8:59 AM
To: LRitter@comdt.uscg.mil
Subject: MariTEL Follow Up

Dear Captain Ritter,

I wanted to follow up on two items as it has been several weeks since we last communicated.

1. We received communications from Larry Solomon concerning frequency coordination with MariTEL and a subsequent follow up suggesting a plan the USCG would provide MariTEL concerning the potential frequency coordination of the VPC channels and AIS channels.
2. Our letter suggesting coordination between the USCG and MariTEL to resolve both the coast station and ships stations interference between VPC communications and AIS.

As I mentioned in my letter MariTEL is moving quickly to fulfill a commercial agreement for marine communications and if we are to have the flexibility to work with the USCG on the above issues it would be to both our benefits if we began the process of coordination in the short term.

We are available to begin this effort at your convenience.

Best Regards,

Dan Smith