



Radio Technical Commission for Maritime Services

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February 21, 2008

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Filed Electronically

Re: WT Docket 04-344, Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems; NOTICE OF ORAL EX PARTE COMMUNICATIONS OF THE RADIO TECHNICAL COMMISSION FOR MARITIME SERVICES

Dear Ms. Dortch:

As required under Section 1.1206 of the rules of the Federal Communications Commission, I hereby submit a notification of *ex parte* communication between the FCC's staff and myself as President of the Radio Technical Commission for Maritime Services (RTCM).

In particular, on February 12, 2008, I talked with Wayne Leighton, Legal Advisor to Commissioner Deborah Taylor Tate regarding the referenced proceeding. The attached document summarizes the position of RTCM .

Sincerely,

A handwritten signature in black ink that reads "Robert L. Markle". The signature is written in a cursive, flowing style.

R. L. Markle
President

Radio Technical Commission for Maritime Services (RTCM)

Ex parte comments on

WT Docket 04-344, Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems

The RTCM is a non-profit membership corporation whose objectives include studying and preparing standards and reports on maritime telecommunications practices, needs and technologies with a view toward improving the efficiency and capabilities of maritime telecommunications and navigation services. Prior to 1980, RTCM was a Federal Advisory Committee under the Federal Communications Commission. Today, it has approximately 130 organizational members, including agencies of U.S. and foreign governments, as well as educational institutions, and private sector equipment and service providers in North America, Europe, Australia, and Japan. Although no longer a U.S. government advisory committee one of our objectives continues to be to provide useful expert advice to U.S. government agencies. Our equipment standards are incorporated by reference into various rules in 47 CFR Part 80.

WT Docket 04-344 covers three primary issues:

- Authorization of Class B Automatic Identification Systems (AIS)
- AIS base station licensing and equipment certification
- VHF Channel 87B (AIS 1), and whether it should be reserved for AIS throughout the U.S. or just in the maritime VHF Public Coast Service Areas.

In our view, the most important of these issues is the first – authorization of Class B AIS. These AIS units are intended for small vessels, and they complement the Class A AIS units already installed on larger vessels under U.S. Coast Guard regulations.¹ The AIS system is most effective for navigation and maritime security purposes when all vessels of interest in the waterway are AIS-equipped. AIS enables the location of vessels to be determined that may not be clearly visible on radar, and it identifies each vessel. When connected to an appropriate navigational display, an AIS unit will display the identification, position, heading, speed, and other important details about all other AIS-equipped vessels within VHF radio range.

The U.S. Coast Guard has pending rulemaking projects that we believe depend to some degree upon the availability Class B AIS units. One concerns Notices of Arrival and Departure, and Automatic Identification Systems.² The other concerns carriage of electronic charts.³ This latter project has already missed its legislated mandate to prescribe electronic chart system carriage requirements by January 1, 2007. We understand that the Coast Guard has reviewed at least five applications for authorization of Class B AIS units, and has recommended that they be authorized by the Commission.

¹ 46 CFR 164.46

² Federal Register Unified Agenda, entry 1131 at 72 FR 22620 (RIN 1625-AA99)

³ Federal Register Unified Agenda, entry 1127 at 72 FR 22619 (RIN 1625-AA91)

We recently became aware of an ex-parte communication by Maritel, Inc. under the subject docket, which concerned the third issue – use of channel 87B. Our concern is that this issue could further delay a final rulemaking under this docket. We believe that the authorization of Class B AIS units should go forward at the earliest possible date, regardless of how the other two issues under the docket are resolved. We are not aware of any significant opposition to the authorization of Class B AIS units. They use the same frequencies as Class A AIS units already in service, so there should be no frequency-related issues regarding their use.

The Further Notice of Proposed Rulemaking on this matter was released on July 24, 2006. The public comment period closed on November 27, 2006.⁴ We believe that the important matter, but long-delayed issue of authorization of Class B AIS units should be concluded as soon as possible. Fortunately, there appears to be a way to do this expeditiously even if the Final Rulemaking is further delayed. On June 14, 2007, the Commission released a request for comments on a waiver of its rules to allow the authorization of certain Class B AIS units prior to enactment of final rules.⁵ We are not aware of any adverse comments filed under this proposal.

We urge the Commission to take whatever steps are necessary to certify Class B AIS as soon as possible for the purposes of navigational safety and Maritime Domain Awareness.

If this action can not be taken promptly under the pending rulemaking, we recommend that the Commission proceed with the waiver process immediately to certify Class B AIS units found to be in compliance with IEC 62287-1.

⁴ 71 FR 60102

⁵ DA 07-2597