

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

In the Matter of)	
)	
VERMONT TRANSCO LLC)	WT Docket No. 11-26
)	
Request for Waiver of Certain Part 80)	
Automated Maritime Telecommunications System)	
(AMTS) Rules)	
Marlene H. Dortch, Secretary		

COMMENTS

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby files its Comments in support of the request of Vermont Transco LLC (Vermont) in the above-captioned matter. In support of its position, MCLM shows the following.

MCLM has reviewed Vermont's rule waiver request and concluded that each of Vermont's requests is reasonable and well explained and supported. MCLM will explain its support for certain of Vermont's requests.

The history of Rule 80.92(a) is limited. In Reorganization and revision of Parts 81 and 83 of the rules to provide a new Part 80 governing the maritime radio services (Reorganization), 60 RR 2d 1550 (1986), the Commission simplified rule 47 C.F.R. §81.183 to create the current 47 C.F.R. §80.92. The record of Rule 81.183 prior to that time is not available via Lexis but it does not appear that the Commission considered the development of automated systems and the applicability of the rule in Reorganization. Vermont makes a strong argument that requiring

monitoring in the automated operation which it proposes would be both unnecessary and incompatible with a centralized trunked system.

Vermont is the only licensee on its spectrum within its authorized area. Accordingly, requiring Vermont to identify the station in accord with Rule 80.102(a) would serve no purpose and the Commission should waive the rule.

Vermont explains that requiring it to comply with Rule 80.123(a) by providing a letter of authorization to each of its affiliated electric utilities would be unreasonable. To avoid imposing unreasonable costs on Vermont's rate payers, the Commission should waive Rule 80.123(a).

Requiring Vermont to comply with Rule 80.123(f), which limits land stations to communicating only with public coast stations would unreasonably impair the efficiency of Vermont's planned system with no benefit to the public interest. Therefore, the Commission should waive the rule.

Imposing Rule 80.475(c) on Vermont, which limits the category of entities to which an entity can provide nonprofit communications and Rule 80.479(c), which requires certain documentation be exchanged among affiliated users, would place a paperwork burden on Vermont's planned operation with no corresponding benefit to the public interest. Accordingly, the Commission should waive Rule 80.475(c) and 80.479(c).

MCLM recognizes that not all licensees in the AMTS field may agree with MCLM's position or support Vermont's request. Vermont obtained its AMTS spectrum for station WQGK621 from Environmental LLC (Environmental), which is controlled by its president, Warren C. Havens (Havens). In Environmental and Havens' Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request and Conditional Supplement to Petition to Deny and Request to Accept Supplement (Reply) in the matter of MCLM and Dixie Electric Membership Corporation, File No. 0004507921, filed on January 11, 2011, Havens took the position that "the Application must be rejected because Dixie seeks AMTS exclusively for land communication purposes," Reply at 34, and that "it is clear from a description of Dixie on its website that it is not a maritime communication or other maritime service provider," *id.* With respect to electric utilities, such as Vermont, Havens asserted that "wireless communications to points on electric and transmission lines and distribution facilities do not need to use low-range high power AMTS spectrum, which is needed for more difficult land-mobile, wide area transportation systems that maintain priority to and also actually serve maritime transportation services," *id.* Havens did not explain in his January 11, 2011 filing why he had been willing to sell spectrum to Vermont for the same purposes.

In their Motion to Dismiss, Motion for Sanctions Against Assignees, and Motion for Sanctions against Assignee Legal Counsel (Motion), in the matters of MCLM and Interstate Power and Light Company and Wisconsin Power and Light Company, File Nos. 0004417199, 000441931, 00044222320, and 0004422329, filed on December 22, 2010, Environmental and Havens took the position that

AMTS should be maintained primarily for maritime and other (land, rail, transport container, etc.) purposes since it is the only band below 400 MHz with ample unused spectrum on exclusive (non-shared) basis for critical advanced transportation communication functions. It should not be assigned, with rule waivers, solely for companies that seek more spectrum for fixed-site wireless services and any other services apart from those that concentrate on mobile, vehicle-installed (or transport container-installed) critical wireless,

Motion at 8. Havens continued to state that “it is also clear that higher spectrum bands are available and more suitable for other forms of wireless, as opposed to Maritime and ITS, including for ‘smart grid.’ It is further clear that power utilities are not actually in need of much spectrum,” *id.* This, despite Havens’ having sold spectrum to Vermont for similar uses.

Environmental and Havens specifically opposed grant of most of the same rule waivers which Vermont has requested in their Petition to Deny, or in the Alternative Section 1.41 Request (Petition) in MCLM and Southern California Rail Road Authority (Metrolink), File Nos. 0004153701, 0004144435, and 0002302355, filed on April 28, 2010. Havens opposed grant to Metrolink of waiver of Rule Sections 80.123(b), 80.123(e), 80.123(g), and 80.215(h)(5)(i), 80.385(a)(2), 80.475(c), and 80.479(c) (47 C.F.R. §80.123(b), 47 C.F.R. §80.123(e), 47 C.F.R. §80.123(g), and 47 C.F.R. §80.215(h)(5)(i), 47 C.F.R. §80.385(a)(2), 47 C.F.R. §80.475(c), and 47 C.F.R. §80.479(c)). Havens stated flatly that Metrolink “should be required to follow the rules and provide priority to maritime and provide services in emergency and distress situations to maritime,” Metrolink at 37. MCLM urges the Commission to disregard Havens’ above-referenced positions which are inconsistent with the uses to which his customer, Vermont, intends to put the spectrum.

The Commission should grant all of the waivers which Vermont listed. As a matter of fairness, the Commission should first grant all such waivers requested by MCLM's customers, including those listed above, which applications were already pending prior to the Vermont waiver request. The Commission should not allow Havens to sell to utilities on the one hand and oppose sales by MCLM to utilities with those same waiver requests on the other hand.

Conclusion

For all the foregoing reasons, the Commission should grant the rule waivers requested by Vermont.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8124 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: March 10, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this tenth day of March, 2011, I served a copy of the foregoing Comments on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

Greg Kunkle, Esq.
Keller and Heckman, LLP
1001 G Street, NW
Washington, DC 20001

Warren C. Havens
2509 Stuart Street
Berkeley, California 94705

/s/ Dennis C. Brown