

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	EB Docket No. 11-71
	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services)	
)	
Applicant for Modification of Various Authorizations in the Wireless Radio Services	)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC., DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY)	

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

JOINT DRAFT GLOSSARY
IN RESPONSE TO ORDER FCC 12M-53

1. On November 21, 2012, the Presiding Judge issued Order FCC 12M-53 directing the Enforcement Bureau (Bureau), Maritime Communications/Land Mobile, LLC (Maritime),

SkyTel¹, and Mr. Havens “to jointly submit a current draft of the Glossary, specifying whether each term and definition is mutually agreed upon, contested but possibly resolvable, or contested and unresolvable.”²

2. Mr. Havens did not submit his submission until 11:23 am on December 6, 2012, approximately thirty minutes before the deadline for filing this Glossary pursuant to Order FCC 12M-54. The substantial nature of Mr. Havens’ submission made it impossible to incorporate his comments into the already prepared final version of the document before the 12 p.m. deadline. His submission is attached hereto as Attachment A. For that reason, the column attributed to Mr. Havens will be left blank.

3. Pursuant to the Presiding Judge’s directions in Order FCC 12M-53, the Bureau, Maritime, SkyTel and Mr. Havens (collectively, the Parties) jointly file this Joint Draft Glossary. Maritime, by its respective counsel, and SkyTel and Mr. Havens, by their respective counsel, represents that they have read this Joint Draft Glossary in Response To Order FCC 12M-53 and authorize the undersigned counsel for the Bureau to file this Joint Draft Glossary on their behalf.

A. Defined Terms To Which The Parties Agree

4. The Parties agree to the proposed definition of the following terms:

Defined Term	Definition
AMTS Area (“AMTSA”)	An AMTS Area (“AMTSA”) is a market area in which a geographic licensee is authorized to operate on a particular frequency block (A or B). There are ten (10) AMTSAs, each comprised of one or more Economic Areas (“EAs”) or EA-like areas. (Each EA is, in turn, comprised of one or more counties or similar areas.) The EAs making up each specific AMTSA are set forth in a table in Appendix D of the applicable rulemaking order, <i>Amendment of the Commission's Rules Concerning Maritime Communications</i> , PR Docket No. 92-257, <i>Second Memorandum Opinion and Order and Fifth Report and Order</i> , 17 FCC Rcd 6685, 6738, <i>Appendix D</i> (2002). The table that is codified at 47 C.F.R. § 80.385(a)(3) contains formatting problems causing

¹ SkyTel refers to Environmental, LLC, Intelligent Transportation and Monitoring Wireless, LLC, Verde Systems, LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC and V2G LLC.

² Order, FCC 12M-53 (ALJ, rel. Nov. 21, 2012).

Defined Term	Definition
	some of the date to be inserted incorrectly. A copy of the correct table, as published at 67 Fed. Reg. 48,560 (July 25, 2002), is attached to this glossary as Attachment B.
Automated Maritime Telecommunications System	Defined in 47 C.F.R. § 80.5 of the FCC rules as “[a]n automatic maritime communications system.” <i>See</i> AMTS .
Block A and/or Block B	<i>See</i> Frequency Block .
Footprint	The “footprint” of an incumbent AMTS facility refers to a theoretically predicted contour area around the licensed transmitter location. Depending on the circumstances, this may refer to the calculated service area contour (a 38 dBμ contour) or the interference contour (a 20 dBμ contour); the latter being derived from the required 18 dB desired-to-undesired signal ratio required between co-channel stations.
Frequency Block	<p>Insofar as relevant to this proceeding, the FCC defined two AMTS frequency blocks, each consisting of two paired 500 kHz spectrum segments, for a total of one MHz each, as follows:</p> <p style="padding-left: 40px;">Block A: 217.5–218.0 & 219.5–220.0 MHz</p> <p style="padding-left: 40px;">Block B: 217.0–217.5 & 219.0– 219.5 MHz</p> <p>Licensees have flexibility and discretion regarding how to channelize their authorized spectrum block.</p>
Geographic License	An AMTS geographic license (as distinguished from an incumbent or site-based license) authorizes the licensee to use a specific frequency block (Block A or Block B) throughout one of ten defined geographic regions called AMTS Areas, subject to the obligation to protect incumbent (that is, site-based) licensees from co-channel interference. Geographic licenses are awarded via competitive bidding procedures, and are therefore also sometimes referred to as “auctioned” licenses. The geographic licensee may locate its facilities anywhere within its authorized area, provided that the resulting 38 dBμ contour does not extend beyond the AMTSA boundary and co-channel incumbent licensees are protected. 47 C.F.R. § 80.479(b). <i>See</i> AMTSA and Incumbent (or site-based) Licensee .
Lease	In the AMTS licensing context, the term “lease” may refer to either a Site Lease or a Spectrum Lease. For example, a site lease is where Maritime leases space from a tower company (e.g., American Tower or Crown Castle), while a spectrum lease is where a third party (e.g., Pinnacle Wireless or Evergreen School District) leases the use of spectrum licensed to Maritime. These are two different things, and there is a separate entry for each in this glossary.
Site Lease	A site lease is a typical real estate contractual arrangement whereby the transmitter site, tower or tower space, and/or building or rack space required for the AMTS licensee’s installation is leased from a third party. This is to be distinguished from a Spectrum Lease, the latter being a regulatory construct, not a real estate contract. <i>See also</i> Lease and Spectrum Lease .
Spectrum Lease	In lieu of providing a communications service to end user mobile units by

Defined Term	Definition
	means of radio facilities, an AMTS licensee may lease the use of some or all of its authorized spectrum within some or all of its authorized service area to a third party. See, generally, Principles for Promoting the Efficient Use of Spectrum by Encouraging the Development of Secondary Markets, WT Docket No. 00-230, Policy Statement, 15 FCC Rcd 24178 (2000); Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 20604 (2003); Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 19 FCC Rcd 17503 (2004). At the end of the lease term, or if the spectrum lease terminates or ends for any reason, the rights to the spectrum and geographic area under lease revert to the lessor/licensee. <i>See also</i> Lease and Site Lease .
Subsumed or Subsuming License	As used by Maritime in this proceeding, these terms refer to the following circumstance. If the same entity holds both a geographic license and an incumbent license on the same frequency block, and where the 38 dBμ contour for the incumbent station lies entirely within the geographic license's AMTSA or AMTSAs, the geographic authorization (the subsuming license) entirely duplicates the authority granted by the incumbent authorization (the subsumed license) rendering the latter unnecessary. The spectrum and geographic area freed when an incumbent license is terminated devolves to the holder of the geographic licensee for the AMTSA in which the terminated incumbent station lies. 47 C.F.R § 80.385(c). In the situation described, both the incumbent licensee and the geographic licensee are the same entity, so the termination results in no net gain or loss of authority for that entity. <i>See also</i> AMTS Area, Frequency Block, Geographic License, and Incumbent (or site-based) License .

B. Defined Terms Which Are Contested But Possibly Resolvable

5. Despite repeated efforts, the Parties have not been able to identify any terms for which the definitions are contested but possibly resolvable. As set forth below, each of the terms on which the Parties disagree are contested and unresolvable.

C. Defined Terms Which Are Contested And Unresolvable

6. The Parties have not been able to reach agreement on the proposed definitions of the following terms. The proposed definitions of each of these terms are contested and unresolvable.

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
AMTS	AMTS is an acronym for Automated Maritime Telecommunications System. AMTS was originally called Inland Waterways	The Bureau accepts Maritime's proposed definition.	

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
	<p>Communications System (“IWCS”). See <i>Automated Inland Waterways Communications System</i>, Gen Docket No. 80-1, Report and Order, 84 FCC 2d 875 (1981). This was initially structured as a service providing vessels with access to the public switched telephone network over a greater length of inland waterways (rivers or lakes) than could be served by a traditional VHF public coast station. Since 2007, the Commission’s Rules have permitted service to mobile units on land and have not required AMTS facilities to be interconnected. <i>E.g., Maritel, Inc. and Mobex Network Services, LLC</i>, 22 FCC Rcd 8971, 8976-9877 (2007).</p>		
<p>AMTS License</p>	<p>An AMTS license is one authorizing the operation of an AMTS station, either on frequencies specified in 47 C.F.R. § 80.385(a)(2) of the Commission’s Rules or utilizing any modulation or channelization scheme in accord with 47 C.F.R. § 80.481.</p>	<p>The Bureau accepts Maritime’s proposed definition.</p>	
<p>Automatic Termination</p>	<p>Maritime concurs with the Bureau’s position on this definition, as it is stated in the next column.</p>	<p>The Bureau does not believe the term Automatic Termination needs to be included in this Glossary. The Presiding Judge need only decide whether Maritime constructed or operated any of its stations at variance with Sections 1.955(a) and 80.49(c) of the Commission’s rules. Those rules dictate the disposition of the licenses.</p> <p>Section 1.955(a)(2) of the Commission’s rules states that “Authorizations automatically terminate (in whole or in part as set forth in the service rules), without specific Commission action, if the licensee fails to meet applicable construction or coverage requirements. See § 1.946(c).” See 47 C.F.R. § 1.955(a)(2).</p> <p>Section 1.955(a)(3) states that</p>	

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
		<p>“Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued.” <i>See</i> 47 C.F.R. § 1.955(a)(3).</p> <p>In addition, the Mobility Division of the Commission’s Wireless Telecommunications Bureau (WTB) concluded that failure to provide continuity of service does not trigger the automatic termination provisions for AMTS licensees. <i>See In re Paging Systems, Inc.</i>, 27 FCC Rcd 8028 (WTB MB 2012).</p> <p><i>See Continuity of Service.</i></p>	
Cancellation	<p>Maritime concurs with the Bureau’s position on this definition, as it is stated in the next column, except insofar as the the second paragraph thereof implies that being “in service” requires active end user subscribers at any particular time.</p>	<p>The Bureau does not believe this term needs to be included in this Glossary. The Presiding Judge need only decide whether Maritime constructed or operated any of its stations at variance with Sections 1.955(a) and 80.49(c) of the Commission’s rules. Those rules dictate the disposition of the licenses.</p> <p>Nevertheless, the Bureau does not agree with SkyTel and Mr. Havens’ definition that if one station is not providing service, the remaining stations associated with that license become invalid and must be returned for cancellation.</p> <p>In addition, the Mobility Division of the Commission’s Wireless Telecommunications Bureau (WTB) concluded that failure to provide continuity of service does not trigger the automatic termination provisions for AMTS licensees. <i>See In re Paging Systems, Inc.</i>, 27 FCC Rcd 8028 (WTB MB 2012).</p> <p><i>See Continuity of Service</i></p>	
Construction	<p>Maritime concurs with the Bureau’s position on this definition, as it is stated in the next column.</p>	<p>The Bureau does not believe this term needs to be included in this Glossary. The only Issue before the Presiding Judge relates to site-</p>	

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
		<p>based and not geographic licenses. Section 80.49(c) does not set forth a “substantial service” requirement in the context of site-based licenses.</p> <p><i>See</i> definition of Constructed.</p>	
<p>Construction Deadline or Period</p>	<p>The period of time after initial licensing within which an AMTS station must be constructed. The rules require an incumbent AMTS station to be constructed and placed into operation within two years of initial authorization. 47 C.F.R. § 80.49(a)(3). The rule previously specified an eight month initial construction period, but it was amended to the current two year period in 2000.</p> <p><i>Amendment of the Commission's Rules Concerning Maritime Communications</i>, PR Docket No. 92-257, <i>Fourth Report and Order and Third Further Notice of Proposed Rule Making</i>, 15 FCC Rcd 22585, 22596 ¶17 (2000). Section 80.49(a)(3) further provides that an “AMTS ... geographic area licensee must make a showing of substantial service within its service area within ten years of the initial license grant ‘Substantial’ service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.” 47 C.F.R. § 80.49(a)(3).</p>	<p>The Bureau accepts Maritime’s proposed definition.</p>	
<p>Constructed</p>	<p>An incumbent AMTS station is deemed to be constructed if all the necessary equipment is in place and the station has been built in substantial compliance with the terms of the then-current authorization.</p>	<p>An incumbent AMTS station is deemed to be constructed if all the necessary equipment is in place and the station has been built in substantial compliance with the terms of the then-current authorization and the station has been placed in operation. <i>See also</i> Operating, In Operation, In Service</p>	
<p>Continuity of Service</p>	<p>Maritime concurs with the Bureau’s position on this definition, as it is stated in the next column.</p>	<p>The Bureau does not believe this term needs to be included in this Glossary. The Presiding Judge need only decide whether Maritime constructed or operated</p>	

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
		<p>any of its stations at variance with Sections 1.955(a) and 80.49(c) of the Commission's rules.</p> <p>In addition, the Mobility Division of the Commission's Wireless Telecommunications Bureau (WTB) rejected the definition of Continuity of Service proposed by Skytel and Mr. Havens. The WTB concluded that failure to provide continuity of service does not trigger the automatic termination provisions for AMTS licensees. <i>See In re Paging Systems, Inc.</i>, 27 FCC Rcd 8028 (WTB MB 2012).</p>	
Deleted	<p>A deleted facility, for purposes of this proceeding, refers to the deletion of an authorized location and/or frequency block from an AMTS authorization. An incumbent AMTS authorization may specify multiple locations and/or frequency blocks. From time to time some portion of these parameters may be deleted from the license without affecting the continued validity of the remaining parts of the authorization. This may happen by Commission order, e.g., if the Commission determines that a particular location/frequency block combination is no longer valid, or voluntarily by the licensee where it has decided to no longer retain a portion of its authorization.</p> <p>Maritime recently decided to delete from its incumbent licenses authority for those facilities that are now subsumed within a geographic license Maritime obtained in FCC Spectrum Auction No. 61. If an entire incumbent call sign was subsumed, Maritime simply canceled the entire authorization. Where only some, but not all, of the authorized locations or frequency blocks on an authorization was subsumed, Maritime submitted an</p>	The Bureau accepts Maritime's proposed definition.	

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	<p>application to delete the subsumed portion, and retained the rest of the authorization.</p> <p>Finally, with respect to Call Sign WRV374, Maritime is not able to submit applications to delete locations at this time due to ULS restrictions. The expiration date for WRV374 has passed and a timely filed renewal application is pending before the Commission. The ULS does not permit the modification (including partial deletions) of a license after its expiration date until the license is renewed. Maritime nevertheless stipulated that the subsumed locations will be deleted and that it is no longer defending these locations as to Issue G.</p> <p><i>See also Geographic License and Subsumed or Subsuming License.</i></p>		
<p>Fill-In Transmitter</p>	<p>An incumbent licensee is authorized to establish one or more “fill-in transmitters” within the footprint of the transmitter specified in the authorization. Additional Commission authorization is not required provided that the predicted interference contours of fill-in transmitters do not encompass any land area beyond the composite interference contour of the licensed AMTS system. See, e.g., <i>Amendment of the Commission's Rules Concerning Maritime Communications</i>, PR Docket No. 92-257, <i>Fourth Report and Order and Third Further Notice of Proposed Rule Making</i>, 15 FCC Rcd 22585, 22593 (2000); <i>Second Memorandum Opinion and Order and Fifth Report and Order</i>, 17 FCC Rcd 6685, 6705 (2002). Fill-in transmitters make a more efficient use of spectrum by facilitating frequency re-use, or “cellularizing” of high site systems. They are also useful for overcoming terrain blockage,</p>	<p>The Bureau accepts Maritime’s proposed definition.</p>	

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
	<p>providing improved signal strength to a particular location, etc. A spectrum lessee may construct and operate its own fill-in transmitters provided their resulting interference contours do not exceed the lessor/licensee's authorized composite interference contour. <i>See also</i> Footprint and Spectrum Lease.</p>		
<p>Incumbent (or site-based) License</p>	<p>An incumbent AMTS license is one granted prior to the implementation of geographic licensing and the auctioning of geographic licenses. Insofar as relevant to this proceeding, an incumbent license authorizes operation of a fixed transmitter at a specific location indicated on the license. An incumbent licensee is authorized to establish one or more "fill-in transmitters" within the 38 dBμ contour footprint of the transmitter specified in authorization. <i>See</i> 47 C.F.R. § 80.385(b)(1). A geographic licensee must protect against co-channel interference to any incumbent station having a 38 dBμ contour within the applicable AMTSA. The incumbent license is thus an encumbrance or limitation on the geographic license. Should the incumbent license terminate for any reason, however, the area within the 38 dBμ contour devolves to the geographic licensee and is no longer an encumbrance on its geographic license. 47 C.F.R. § 80.385(c).</p>	<p>The Bureau accepts Maritime's proposed definition.</p>	
<p>Known (or Not Known) to be Operating (or Not Operating), Operational</p>	<p>Although not officially defined by the Commission in its regulations or otherwise, these or similar terms have been used by Maritime in its discovery responses to convey, as a factual matter, the status of its incumbent facilities. Maritime has designated a facility as operational only if it knows or has a reasonable basis for believing that it is currently operational. Similarly, Maritime has designated a facility as non-</p>	<p><i>See</i> definition of Not Operating; Operating, In Operation, In Service; and Operational</p>	

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	operational or temporarily suspended if it knows that the facility is not currently operational. Finally, where Maritime does not know the current status of a facility, it has candidly so stated. <i>See also</i> Constructed and Operating or Operational.		
Not Operating (including Temporarily and Permanently Not Operating)	An AMTS facility is not operating for regulatory purposes if it is not capable of exchanging two way communications traffic with a ship or mobile station. A facility is <i>Temporarily Not Operating</i> if it is not currently operating but the licensee intends to resume operation. A facility is <i>Permanently Not Operating</i> if it is not currently operating and the licensee does not intend to resume operation. <i>See also</i> Operating or Operational and Permanent Discontinuance.	The Bureau does not believe the definition of Not Operating should include <i>Temporarily</i> and <i>Permanently Not Operating</i> . The determination of whether a station has been temporarily or permanently not operating is a legal conclusion to be determined by the Presiding Judge based on the facts in a particular case. <i>See Northeast Utilities Service Co.</i> , 24 FCC Rcd. 3310, ¶ 10 (WTB Mar. 20, 2009) (concluding that “the lack of a Part 80 definition [of permanent discontinuance] requires us to evaluate claims of permanent discontinuance on a case-by-case basis”). <i>See Not Operating</i>	
Not Operating	Same definition as Not Operating (including Temporarily and Permanently Not Operating)	An AMTS facility is not operating for regulatory purposes if it is not on-the-air, transmitting a signal, <i>i.e.</i> , exchanging two-way communications traffic. <i>See also</i> Operating, In Operation, In Service	
Operating, In Operation, In Service	An AMTS facility is operating for regulatory purposes if it is constructed and operational, <i>i.e.</i> , capable of exchanging two way communications traffic with a ship or mobile station. Unlike certain other radio services (see, <i>e.g.</i> , 47 C.F.R. § 90.155(c)), the Commission’s rules do not require that an incumbent AMTS service actually be providing service to any minimum number of units to be deemed constructed and in operation. <i>See also</i> Constructed.	An AMTS facility is operating, in operation, or in service , for regulatory purposes if it is constructed, and is on-the-air, transmitting a signal, <i>i.e.</i> , exchanging two-way communications traffic. Unlike certain other radio services (see, <i>e.g.</i> , 47 C.F.R. § 90.155(c)), the Commission’s rules do not require that an incumbent AMTS service actually be providing service to any minimum number of units to be deemed constructed and operating, in operation or in service . Whether a facility is operating, in operation, or in service is determined with respect	

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens
		to the licensed site. Operation of fill-in sites does not render operative an inactive licensed transmitter. <i>See Mobex Network Services, LLC, Memorandum Opinion and Order, 25 FCC Rcd 3390, ¶ 10, n. 48 (2010).</i>	
Operational	Same definition as Operating, In Operation, In Service	An AMTS facility is operational for regulatory purposes if it is constructed and <i>capable</i> of transmitting a signal, <i>i.e.</i> , able to exchange two-way communications traffic.	
Permanent Discontinuance	Section 1.955(a)(3) of the FCC Rules provides in pertinent part: “Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section.” 47 C.F.R. § 1.955(a)(3). There is no AMTS regulation defining permanent discontinuance. The Commission has proposed to adopt an objective definition of permanent discontinuance for AMTS stations, <i>Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services</i> , WT Docket No. 10-112, <i>Notice of Proposed Rulemaking and Order</i> , 25 FCC Rcd 6996 (2010), but has not yet done so. The Commission explained that, precisely “[b]ecause an authorization will ‘automatically terminate’ ... it is imperative that our rules provide a clear and consistent definition of permanent discontinuance of operations; they do not.” 25 FCC Rcd at 7017. Accordingly, Wireless Telecommunications Bureau’s Mobility Division,	The Bureau does not believe the definition of Permanent Discontinuance should be included as a part of the Glossary. The determination of whether a station has been permanently discontinued is a legal conclusion to be determined by the Presiding Judge based on the facts in a particular case. <i>See Northeast Utilities Service Co.</i> , 24 FCC Rcd. 3310, ¶ 10 (WTB MSD Mar. 20, 2009) (concluding that “the lack of a Part 80 definition [of permanent discontinuance] requires us to evaluate claims of permanent discontinuance on a case-by-case basis”).	

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	acting for the Commission pursuant to delegated authority, has determined that, until such a rule is adopted, “it would be inappropriate to, retroactively and without notice, apply [an objective definition] to Part 80 stations” and that it therefore must “evaluate claims of permanent discontinuance on a case-by-case basis.” <i>Northeast Utilities Service Co.</i> , 24 FCC Rcd 3310, 3314 (WTB MSD 2009). ³		

Respectfully submitted,

P. Michele Ellison
 Chief, Enforcement Bureau



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December 6, 2012

³ This is consistent with, and indeed required by, the legal and Constitutional principles enunciated in the Supreme Court’s recent opinion in *FCC v. Fox Television Stations*, 132 S. Ct. 2307 (2012). The Court there explained: “A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required. ... First, ... regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way.” 132 S. Ct. 2317 (citations omitted).

ATTACHMENT A

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re)	
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MARITIME COMMUNICATIONS/LAND)	EB Docket No. 11-71
MOBILE, LLC)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004417199, 0004419431, 0004422320,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422329, 0004507921, 0004153701,
RURAL MEMBERSHIP ELECTRIC	)	0004526264, 0004636537,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
INC.; ENBRIDGE ENERGY COMPANY,)	
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT, LLC;)	
DENTON COUNTY ELECTRIC)	
COOPERATIVE, INC., DBA COSERV)	
ELECTRIC; AND SOUTHERN CALIFORNIA)	
REGIONAL RAIL AUTHORITY)	
To: Marlene H. Dortch, Secretary		
Attention: Chief Administrative Law Judge Richard L. Sippel		

JOINT DRAFT GLOSSARY
IN RESPONSE TO ORDER FCC 12M-53

1. On November 21, 2012, the Presiding Judge issued Order FCC 12M-53 directing the Enforcement Bureau (Bureau), Maritime Communications/Land Mobile, LLC (Maritime),

SkyTel¹, and Mr. Havens “to jointly submit a current draft of the Glossary, specifying whether each term and definition is mutually agreed upon, contested but possibly resolvable, or contested and unresolvable.”²

2. Pursuant to the Presiding Judge’s directions in Order FCC 12M-53, the Bureau, Maritime, SkyTel and Mr. Havens (collectively, the Parties) jointly file this Joint Draft Glossary. Maritime, by its respective counsel, and SkyTel and Mr. Havens, by their respective counsel, represents that they have read this Joint Draft Glossary in Response To Order FCC 12M-53 and authorize the undersigned counsel for the Bureau to file this Joint Draft Glossary on their behalf.

A. Defined Terms To Which The Parties Agree

3. The Parties agree to the proposed definition of the following terms: ³

Defined Term	Definition
AMTS Area (“AMTSA”)	An AMTS Area (“AMTSA”) is a market area in which a geographic licensee is authorized to operate on a particular frequency block (A or B). There are ten (10) AMTSAs, each comprised of one or more Economic Areas (“EAs”) or EA-like areas. (Each EA is, in turn, comprised of one or more counties or similar areas.) The EAs making up each specific AMTSA are set forth in a table in Appendix D of the applicable rulemaking order, <i>Amendment of the Commission’s Rules Concerning Maritime Communications</i> , PR Docket No. 92-257, <i>Second Memorandum Opinion and Order and Fifth Report and Order</i> , 17 FCC Rcd 6685, 6738, <i>Appendix D</i> (2002). The table that is codified at 47 C.F.R. § 80.385(a)(3) contains formatting problems causing some of the date to be inserted incorrectly. A copy of the correct table, as published at 67 Fed. Reg. 48,560 (July 25, 2002), is attached to this glossary.
Automated Maritime Telecommunications System	Defined in 47 C.F.R. § 80.5 of the FCC rules as “[a]n automatic maritime communications system.” <i>See</i> AMTS.
Block A and/or Block B	<i>See</i> Frequency Block.
Footprint	The “footprint” of an incumbent AMTS facility refers to a theoretically

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² Order, FCC 12M-53 (ALJ, rel. Nov. 21, 2012).

³ See the footnote below that commences with “SkyTel and Mr. Havens assert....”

Defined Term	Definition
	predicted contour area around the licensed transmitter location. Depending on the circumstances, this may refer to the calculated service area contour (a 38 dBμ contour) or the interference contour (a 20 dBμ contour), ⁴ the latter being derived from the required 18 dB desired-to-undesired signal ratio required between co-channel stations.
Frequency Block	Insofar as relevant to this proceeding, the FCC defined two AMTS frequency blocks, each consisting of two paired 500 kHz spectrum segments, for a total of one MHz each, as follows: Block A: 217.5–218.0 & 219.5–220.0 MHz Block B: 217.0–217.5 & 219.0– 219.5 MHz Licensees have flexibility and discretion regarding how to channelize their authorized spectrum block.
Geographic License	An AMTS geographic license (as distinguished from an incumbent or site-based license) authorizes the licensee to use a specific frequency block (Block A or Block B) throughout one of ten defined geographic regions called AMTS Areas, subject to the obligation to protect incumbent (that is, site-based) licensees from co-channel interference. Geographic licenses are awarded via competitive bidding procedures, and are therefore also sometimes referred to as “auctioned” licenses. The geographic licensee may locate its facilities anywhere within its authorized area, provided that the resulting 38 dBμ contour does not extend beyond the AMTSA boundary and co-channel incumbent licensees are protected. 47 C.F.R. § 80.479(b). <i>See AMTSA and Incumbent (or site-based) Licensee.</i>
Lease	In the AMTS licensing context, the term “lease” may refer to either a Site Lease or a Spectrum Lease. For example, a site lease is where Maritime leases space from a tower company (e.g., American Tower or Crown Castle), while a spectrum lease is where a third party (e.g., Pinnacle Wireless or Evergreen School District) leases the use of spectrum licensed to Maritime. These are two different things, and there is a separate entry for each in this glossary.
Site Lease	A site lease is a typical real estate contractual arrangement whereby the transmitter site, tower or tower space, and/or building or rack space required for the AMTS licensee’s installation is leased from a third party. This is to be distinguished from a Spectrum Lease, the latter being a regulatory construct, not a real estate contract. <i>See also Lease and Spectrum Lease.</i>
Spectrum Lease	In lieu of providing a communications service to end user mobile units by means of radio facilities, an AMTS licensee may lease the use of some or all of its authorized spectrum within some or all of its authorized service area to a third party. <i>See, generally, Principles for Promoting the Efficient Use of Spectrum by Encouraging the Development of Secondary Markets, WT Docket No. 00-230, Policy Statement, 15 FCC Rcd 24178 (2000); Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 20604 (2003); Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 19 FCC Rcd 17503 (2004).</i> At the end of the lease term, or if the spectrum lease terminates or ends for any reason, the rights to the spectrum and geographic area under lease revert to

⁴ SkyTel disagrees and asserts that there is no 20 dBu contour in any rule applicable to a site-based AMTS license or station.

Defined Term	Definition
	the lessor/licensee. <i>See also Lease and Site Lease.</i>
Subsumed or Subsuming License	As used by Maritime in this proceeding, these terms refer to the following circumstance. If the same entity holds both a geographic license and an incumbent license on the same frequency block, and where the 38 dBµ contour for the incumbent station lies entirely within the geographic license's AMTSA or AMTSAs, the geographic authorization (the subsuming license) entirely duplicates the authority granted by the incumbent authorization (the subsumed license) rendering the latter unnecessary. The spectrum and geographic area freed when an incumbent license is terminated devolves to the holder of the geographic licensee for the AMTSA in which the terminated incumbent station lies. 47 C.F.R § 80.385(c). In the situation described, both the incumbent licensee and the geographic licensee are the same entity, so the termination results in no net gain or loss of authority for that entity. <i>See also AMTS Area, Frequency Block, Geographic License, and Incumbent (or site-based) License.</i>

B. Defined Terms Which Are Contested But Possibly Resolvable

4. Despite repeated efforts, the Parties have not been able to identify any terms for which the definitions are contested but possibly resolvable. As set forth below, each of the terms on which the Parties disagree are contested and unresolvable.

C. Defined Terms Which Are Contested And Unresolvable

5. The Parties have not been able to reach agreement on the proposed definitions of the following terms. The proposed definitions of each of these terms are contested and unresolvable.

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ⁵
AMTS	AMTS is an acronym for Automated Maritime Telecommunications System. AMTS was originally called Inland Waterways	The Bureau accepts Maritime's proposed definition.	<u>See comments on Chen memo herein.</u> AMTS is an acronym for Automated Maritime

⁵ SkyTel and Mr. Havens assert (1) that the memo of James Ming Chen described below sets out the threshold position of SkyTel and Mr. Havens as to defined terms relevant to issue (g): the terms and definitions in that memo take precedence verses other language used herein in the SkyTel and Mr. Havens column, if any conflict is construed. In AMTS rules and related orders applying the rules, meaningful definitions are interrelated, as shown in the Ming memo, and cannot be separated without losing purpose and/or intended function; and (2) this chart, created largely based on the original Maritime Glossary, confuses the several essential interrelated terms discussed in FCC 11-64 as to automatic termination that results from failure to timely construct and/or keep in permanent operation the subject Maritime site-based licenses. SkyTel and Mr. Havens suggest a different, simpler structure, reflected in the Chen memo. SkyTel and Mr. Havens will present that via Mr. Chen, if the Judge permits.

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ⁵
	<p>Communications System (“IWCS”). See <i>Automated Inland Waterways Communications System</i>, Gen Docket No. 80-1, Report and Order, 84 FCC 2d 875 (1981). This was initially structured as a service providing vessels with access to the public switched telephone network over a greater length of inland waterways (rivers or lakes) than could be served by a traditional VHF public coast station. Since 2007, the Commission’s Rules have permitted service to mobile units on land and have not required AMTS facilities to be interconnected. <i>E.g.</i>, <i>Maritel, Inc. and Mobex Network Services, LLC</i>, 22 FCC Rcd 8971, 8976-9877 (2007).</p>		<p>Telecommunications System. As indicated by its plain language, and rules⁶ and Orders, AMTS is considered a “system,” not a single station. To provide AMTS service, a series of stations are required. See Section 80.475(a) referring to “each station” in a “system.” 47 CFR § 80.475(a). AMTS was created solely as a maritime radio communications service for covering long waterways (that required at least two stations to be covered) with a system of multiple base stations or cell sites, with overlapping continuous coverage and end-user service. This was described in the first AMTS Report and Order, in which Section 80.475(a) was enacted to require continuity of coverage and service.⁷ Each station has validity only as part of the system authorization, and has no independent validity. Applying for single stations was barred, and those applications were denied by the FCC in various orders.⁸ AMTS operates as a system of integrated stations. See <i>In the Matter of Amendment of the Commission’s Rules Concerning Maritime Communications</i></p>

⁶ For example, see § 80.54 Automated Maritime Telecommunications System (AMTS)—System Licensing. AMTS licensees will be issued blanket authority for a system of coast stations and mobile units (subscribers). AMTS applicants will specify the maximum number of mobile units to be placed in operation during the license period.

⁷ *In the Matter of Amendment of Parts 2 and RM-5712 80 of the Commission’s Rules Applicable to Automated Maritime Telecommunications Systems (AMTS)*, First Report and Order, 6 FCC Rcd. 2 at para. 22 (1991) (“First AMTS Order”); See also *In re Applications of Fred Daniel d/b/a Orion Telecom and Paging Systems, Inc. For Authority to Construct New Automated Maritime Telecommunications Systems at Miami, Florida; New Bern, North Carolina; Suffolk, Virginia; Baltimore Maryland; Newark, New Jersey; New York, New York; Oak Hill, Florida; Rehoboth, Massachusetts; Spaulding, Florida; Balm, Florida; and Raymond, Maine*, Memorandum Opinion and Order, 11 FCC Rcd. 5764 at n. 1 (1996) (“The AMTS provides automated, integrated, interconnected ship-to-shore communications similar to a cellular phone system, including non-voice services, for vessels to use as they move along a waterway. AMTS offers improved services over those available from individual public coast stations”)

⁸ In *Fred Daniel d/b/a Orion Telecom (Orion)*, the Commission determined that not only could an AMTS system not be authorized for coverage over land only but that many eligible persons in communities, including Denver, Colorado, Henderson, Nevada, Yuma, Phoenix, Tucson, Arizona, and El Paso, Ft. Worth, and Dallas, Texas could not obtain AMTS service because only one coast station would have been required for each community.

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
			<p><i>Petition for Rule Making filed by RegioNet Wireless License, LLC, Fourth Report and Order and Third Further Notice of Proposed Rulemaking, FCC 00-370, 15 FCC Rcd 22585, para. 16 (2000) (“AMTS Freeze Order”). AMTS is not site-based.</i></p> <p>Since 2007, the Commission's Rules have permitted service to mobile units on land and have not required AMTS facilities to be interconnected. <i>See, e.g., Maritel, Inc. and Mobex Network Services, LLC, 22 FCC Red 8971, 8976-9877 (2007).</i></p>
<p>AMTS License</p>	<p>An AMTS license is one authorizing the operation of an AMTS station, either on frequencies specified in 47 C.F.R. § 80.385(a)(2) of the Commission's Rules or utilizing any modulation or channelization scheme in accord with 47 C.F.R. § 80.481.</p>	<p>The Bureau accepts Maritime's proposed definition.</p>	<p>An AMTS license is one authorizing the operation of an Automated Maritime Telecommunications System, on frequencies specified in 47 C.F.R. § 80.385(a)(2) of the Commission's Rules, utilizing any modulation or channelization scheme in accord with 47 C.F.R. § 80.481 (and subject to other rule requirements and allowances). The license is for a system, not for single stations that are merely components of the larger system. <i>See</i> AMTS discussion and proposed definition. For example, cancellation of a station's authority involves an application to modify an AMTS system license to delete that station (which may have affects upon the system license requirements including coverage).</p>
<p>Automatic Termination</p>		<p>The Bureau does not believe the term Automatic Termination needs to be included in this Glossary. The Presiding Judge need only decide whether Maritime constructed or operated any of its stations at variance with Sections 1.955(a) and 80.49(c) of the Commission's rules. Those rules dictate that e disposition of the licenses.</p> <p>Section 1.955(a)(2) of the</p>	<p>A failure to provide continuity of service within a system of stations triggers the automatic termination provisions for AMTS licensees. <i>See</i> 47 C.F.R. § 1.946(c). Automatic termination further applies when an AMTS licensee fails to provide the requisite coverage under Commission rules. System continuity of coverage-service is the requirement under Section 80.475(a) created as the</p>

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ⁹
		<p>Commission's rules states that "Authorizations automatically terminate (in whole or in part as set forth in the service rules), without specific Commission action, if the licensee fails to meet applicable construction or coverage requirements. See § 1.946(c)." See 47 C.F.R. § 1.955(a)(2).</p> <p>Section 1.955(a)(3) states that "Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued." See 47 C.F.R. § 1.955(a)(3).</p> <p>In addition, the Mobility Division of the Commission's Wireless Telecommunications Bureau (WTB) concluded that failure to provide continuity of service does not trigger the automatic termination provisions for AMTS licensees. See <i>In re Paging Systems, Inc.</i>, 27 FCC Rcd 8028 (WTB MB 2012).</p> <p>See Continuity of Service.</p>	<p>foundation of AMTS - the threshold requirement to obtain and maintain a license. Failure to meet this requirement renders the license invalid. Invalid licenses are always subject to cancellation/termination.⁹ The notice of automatic termination in the Commission's rules, both under Sections 1.946(c) and 80.49(a) is a mere ministerial reminder.</p>
Cancellation		<p>The Bureau does not believe this term needs to be included in this Glossary. The Presiding Judge need only decide whether Maritime constructed or operated any of its stations at variance with Sections 1.955(a) and 80.49(c) of the Commission's rules. Those rules dictate the disposition of the licenses.</p> <p>Nevertheless, the Bureau does not agree with SkyTel and Mr. Haven's definition that if one station is not providing service,</p>	<p>See comments on Chen memo- herein.</p> <p>If a station needed for the system coverage-service requirement is not timely constructed (including providing "substantial service" as defined in 47 C.F.R. § 80.49(a)(1)), then it and the rest of the system stations become invalid and must be returned for cancellation See 47 C.F.R. § 80.49(a)(3).</p>

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⁹ License grants do not afford holders property rights in the licenses. *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940) ("The policy of the [Communications] Act is clear that no person is to have anything in the nature of a property right as a result of the granting of a license."); *Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems*, Report and Order and Further Notice of Proposed Rule Making and Fourth Memorandum Opinion and Order, 21 FCC Rcd. 8892, 8925-26 ¶ 46 (2006) (citing *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945), and finding that the Commission has consistently upheld the principle that no licensee obtains any vested interest in any frequency). Instead, the right to continue to hold the license is expressly conditioned on continued compliance with the license terms. *In the Matter of Morris Communications, Inc.*, 23 F.C.C.R. 3179, 3198 (2008) ("Commission licensees hold only those rights established by the terms and conditions of the licenses issued to them."). Failure to comply renders the license void. *Id.*

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
		<p>the remaining stations associated with that license become invalid and must be returned for cancellation.</p> <p>In addition, the Mobility Division of the Commission's Wireless Telecommunications Bureau (WTB) concluded that failure to provide continuity of service does not trigger the automatic termination provisions for AMTS licensees. <i>See In re Paging Systems, Inc.</i>, 27 FCC Rcd 8028 (WTB MB 2012).</p> <p><i>See Continuity of Service</i></p>	
Construction		<p>The Bureau does not believe this term needs to be included in this Glossary. The only Issue before the Presiding Judge relates to site-based and not geographic licenses. Section 80.49(c) does not set forth a "substantial service" requirement in the context of site-based licenses.</p> <p><i>See definition of Constructed.</i></p>	<p><u>See memo from James Ming Chen submitted to Judge Sippel on December 5, 2012.</u></p> <p><u>The definition of this term, and the immediately following two in this chart, and related terms as to -- commencing service, service to customers, and continuity of service or coverage, --are interdependent.</u></p>
Construction Deadline or Period	<p>The period of time after initial licensing within which an AMTS station must be constructed. The rules require an incumbent AMTS station to be constructed and placed into operation within two years of initial authorization. 47 C.F.R. § 80.49(a)(3). The rule previously specified an eight month initial construction period, but it was amended to the current two year period in 2000.</p> <p><i>Amendment of the Commission's Rules Concerning Maritime Communications</i>, PR Docket No. 92-257, <i>Fourth Report and Order and Third Further Notice of Proposed Rule Making</i>, 15 FCC Rcd 22585, 22596 ¶17 (2000). Section 80.49(a)(3) further provides that an "AMTS ... geographic area licensee must make a showing of substantial service within its service area within ten years of the initial license grant 'Substantial'</p>	<p>The Bureau accepts Maritime's proposed definition.</p>	<p><u>See memo from James Ming Chen submitted to Judge Sippel on December 5, 2012.</u></p> <p><u>The definition of this term, and the immediately preceding and following term in this chart, and related terms as to -- commencing service, service to customers, and continuity of service or coverage --are interdependent.</u></p>

Deleted: AMTS geographic licenses must provide "substantial service" to meet the construction requirement. It is clear from the Commission's rules that "construction" requirements are equated with substantial service as defined in 47 C.F.R. § 80.49(a)(1). Service is to the end users and the end-user radios. *See also* 47 C.F.R. § 80.60. Thus, the required construction is to commence service to subscribers, within the noted deadline; otherwise the result is automatic termination. *See* Section 80.60(d)(3) making clear that § 80.49 means the "required" "construction" and providing "service to subscribers" -- is to commence by the original construction deadline, failing which results in automatic termination."

Deleted: The period of time after initial licensing within which an AMTS system and system authorization, must be constructed in accordance with 47 C.F.R. § 80.49. The rules require an incumbent site-based AMTS system licensee to be constructed and placed into operation within two years of initial authorization. 47 C.F.R. § 80.49(a)(3). The rule previously specified an eight month initial construction period, but it was amended to the current two year period in 2000. *Amendment of the Commission's Rules Concerning Maritime Communications*, PR Docket No. 92-257, *Fourth Report and Order and Third Further Notice of Proposed Rule Making*, 15 FCC Rcd 22585, 22596 ¶ 17 (2000). An AMTS ... geographic area licensee must make a showing of substantial service within its service area within ten years of the initial license grant.... 'Substantial' service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal." 47 C.F.R. § 80.49(a)(3).

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
	service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.” 47 C.F.R. § 80.49(a)(3).		
Constructed	An incumbent AMTS station is deemed to be constructed if all the necessary equipment is in place and the station has been built in substantial compliance with the terms of the then-current authorization.	An incumbent AMTS station is deemed to be constructed if all the necessary equipment is in place and the station has been built in substantial compliance with the terms of the then-current authorization and the station has been placed in operation. <i>See also Operating, In Operation, In Service</i>	<u>S See memo from James Ming Chen submitted to Judge Sippel on December 5, 2012.</u> <u>The definition of this term, and the immediately preceding two terms in this chart, and related terms as to-- commencing service, service to customers, and continuity of service or coverage, --are interdependent.</u>
Continuity of Service		The Bureau does not believe this term needs to be included in this Glossary. The Presiding Judge need only decide whether Maritime constructed or operated any of its stations at variance with Sections 1.955(a) and 80.49(c) of the Commission’s rules. In addition, the Mobility Division of the Commission’s Wireless Telecommunications Bureau (WTB) rejected the definition of Continuity of Service proposed by Skytel and Mr. Havens. The	<u>See comments on Chen memo herein.</u> Continuity of service is a coverage requirement for purposes of Section 1.946(c). In other words, continuity of service means coverage; they are one and the same. ¹⁰ “Continuity of service” implies and requires “coverage” since service cannot be provided without coverage. Section 80.475(a)(2001) requires actual continuity of “service.” ¹¹

Deleted: An incumbent AMTS is deemed to be constructed if all the necessary equipment and each station in the system and system authorization is in place and the system has been built in compliance with the terms of the then-current authorization

¹⁰ *Amendment of the Commission’s Rules Concerning Maritime Communications*, Second Memorandum Opinion and Order and Fifth Report and Order, PR Docket No. 92-257, 17 FCC Rcd. 6685, 6718, para. 79 (2002) (Fifth Report and Order), *recon. granted in part, denied in part*, Third Memorandum Opinion and Order, 18 FCC Rcd. 24391, 24400-01 para. 23, n. 84 (2003) (“[T]he Commission eliminated the continuity of service requirement [in] the *Fifth Report and Order*” by amending Section 80.475(a), and the FCC “did not require incumbent AMTS licensees seeking to partition spectrum to maintain any minimum area of coverage, or otherwise condition approval of partitioning requests on continued conformance with former Section 80.475(a)”) (emphasis added).; *See also In the Matter of Maritel, Inc. and Mobex Network Services, LLC, Petitions for Rule Making to Amend the Commission’s Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees*, Report and Order, FCC 07-87 at para. 11, n. 53 (2007).

¹¹ Section 80.745(a) provided that “AMTS applicants proposing to serve inland waterways must show how the proposed system will provide continuity of service along more than 60% of each of one or more navigable inland waterways...AMTS applicants proposing to serve portions of the Atlantic, Pacific or Gulf of Mexico coastline must define a substantial navigational area and show how the proposed system will provide continuity of service for it.” 47 C.F.R. § 80.475(a). The FCC intentionally adopted this rule as a requirement for all AMTS applicants, and the FCC made it clear that it also applied to AMTS licensees. Had the FCC intended to make continuity of service optional, it would not have used the term “must” and instead, would have substituted the word “should.” *See, e.g., Pac. Bell Tel. Co. v. California Pub. Utilities Comm’n*, 621 F.3d 836, 848 (9th Cir. 2010) cert. denied, 131 S. Ct. 3050 (2011) (“In general, the plain meaning of an administrative regulation controls.”).

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
		<p>WTB concluded that failure to provide continuity of service does not trigger the automatic termination provisions for AMTS licensees. <i>See In re Paging Systems, Inc.</i>, 27 FCC Rcd 8028 (WTB MB 2012).</p>	<p>Service is the radio communications service provided to end users, which requires radio "coverage." Continuity of service and coverage are interchangeable. As a result, failure to provide continuity of service with a system of stations triggers the automatic termination provisions for AMTS licensees. <i>See Automatic Termination.</i></p> <p><u>Also, see memo from James Ming Chen submitted to Judge Sippel on December 5, 2012.</u></p> <p><u>The definition of this term, and the immediately preceding three in this chart, and related terms as to-- commencing service, service to customers --are interdependent.</u></p>
Deleted	<p>A deleted facility, for purposes of this proceeding, refers to the deletion of an authorized location and/or frequency block from an AMTS authorization. An incumbent AMTS authorization may specify multiple locations and/or frequency blocks. From time to time some portion of these parameters may be deleted from the license without affecting the continued validity of the remaining parts of the authorization. This may happen by Commission order, e.g., if the Commission determines that a particular location/frequency block combination is no longer valid, or voluntarily by the licensee where it has decided to no longer retain a portion of its authorization.</p> <p>Maritime recently decided to delete from its incumbent licenses authority for those facilities that are now subsumed within a geographic license Maritime obtained in FCC Spectrum Auction No. 61. If an entire incumbent call sign was subsumed, Maritime simply canceled the entire authorization.</p>	<p>The Bureau accepts Maritime's proposed definition.</p>	<p>A deleted facility, for purposes of this proceeding, refers to the deletion of an authorized location and/or frequency block from an AMTS authorization. An incumbent AMTS authorization may specify multiple locations and/or frequency blocks. From time to time some portion of these parameters may be deleted from the license without affecting the continued validity of the remaining parts of the authorization. This may happen by Commission order, e.g., if the Commission determines that a particular location/frequency block combination is no longer valid, or voluntarily by the licensee where it has decided to no longer retain a portion of its authorization. <i>See also Geographic License and Subsumed or Subsuming License.</i></p> <p><u>Also, see memo from James Ming Chen submitted to Judge Sippel on December 5, 2012.</u></p> <p><u>The definition of the term "constructed" and interdependent terms [indicated in this column above] are the threshold terms, as</u></p>

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
	<p>Where only some, but not all, of the authorized locations or frequency blocks on an authorization was subsumed, Maritime submitted an application to delete the subsumed portion, and retained the rest of the authorization.</p> <p>Finally, with respect to Call Sign WRV374, Maritime is not able to submit applications to delete locations at this time due to ULS restrictions. The expiration date for WRV374 has passed and a timely filed renewal application is pending before the Commission. The ULS does not permit the modification (including partial deletions) of a license after its expiration date until the license is renewed. Maritime nevertheless stipulated that the subsumed locations will be deleted and that it is no longer defending these locations as to Issue G.</p> <p>See also Geographic License and Subsumed or Subsuming License.</p>		<p><u>"contruction" comes before any operation, coverage and service. Deletion may follow.</u></p>
Fill-In Transmitter	<p>An incumbent licensee is authorized to establish one or more "fill-in transmitters" within the footprint of the transmitter specified in the authorization. Additional Commission authorization is not required provided that the predicted interference contours of fill-in transmitters do not encompass any land area beyond the composite interference contour of the licensed AMTS system. See, e.g., <i>Amendment of the Commission's Rules Concerning Maritime Communications</i>, PR Docket No. 92-257, <i>Fourth Report and Order and Third Further Notice of Proposed Rule Making</i>, 15 FCC Rcd 22585, 22593 (2000); <i>Second Memorandum Opinion and Order and Fifth Report and Order</i>, 17 FCC Rcd 6685, 6705 (2002). Fill-in transmitters make a more</p>	<p>The Bureau accepts Maritime's proposed definition.</p>	<p>An incumbent licensee is authorized to establish one or more "fill-in transmitters" within the service area specified in the authorization. Fill-in transmitters cannot have a service area outside the service area of the licensed station, nor is any fill-in transmitter valid if constructed and operated where there is no licensed transmitter in operation to fill in. Therefore, additional Commission authorization is not required provided that the predicted interference contours of fill-in transmitters do not encompass any land area beyond the composite interference contour of the licensed AMTS system. See, e.g., <i>Amendment of the Commission's Rules Concerning Maritime Communications</i>, PR Docket No. 92-257, <i>Fourth Report and Order and Third Further Notice of</i></p>

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ⁵
	<p>efficient use of spectrum by facilitating frequency re-use, or “cellularizing” of high site systems. They are also useful for overcoming terrain blockage, providing improved signal strength to a particular location, etc. A spectrum lessee may construct and operate its own fill-in transmitters provided their resulting interference contours do not exceed the lessor/licensee’s authorized composite interference contour. <i>See also Footprint and Spectrum Lease.</i></p>		<p>Proposed Rule Making, 15 FCC Red 22585, 22593 (2000); Second Memorandum Opinion and Order and Fifth Report and Order, 17 FCC Red 6685, 6705 (2002). <i>See also Footprint and Spectrum Lease.</i></p> <p><u>Also, see memo from James Ming Chen submitted to Judge Sippel on December 5, 2012.</u></p> <p><u>The definition of the term “fill-in transmitter” (or “fill-in station”) rests upon the definition of a license station that is “constructed” and that term and interdependent terms. That is because a fill-in station is only authorized to “fill-in” gaps in coverage in a licensed, constructed station.</u></p>
<p>Incumbent (or site-based) License</p>	<p>An incumbent AMTS license is one granted prior to the implementation of geographic licensing and the auctioning of geographic licenses. Insofar as relevant to this proceeding, an incumbent license authorizes operation of a fixed transmitter at a specific location indicated on the license. An incumbent licensee is authorized to establish one or more “fill-in transmitters” within the 38 dBμ contour footprint of the transmitter specified in authorization. <i>See</i> 47 C.F.R. § 80.385(b)(1). A geographic licensee must protect against co-channel interference to any incumbent station having a 38 dBμ contour within the applicable AMTSA. The incumbent license is thus an encumbrance or limitation on the geographic license. Should the incumbent license terminate for any reason, however, the area within the 38 dBμ contour devolves to the geographic licensee and is no longer an encumbrance on its geographic license. 47 C.F.R. § 80.385(c).</p>	<p>The Bureau accepts Maritime’s proposed definition.</p>	<p><u>First, see memo from James Ming Chen submitted to Judge Sippel on December 5, 2012, which discusses “site-based” AMTS multi-site licenses and threshold requirements for said licenses to be maintained (certain required construction and commencement of operations, coverage and service to customers).</u></p> <p>An incumbent AMTS license is one granted prior to the implementation of geographic licensing and the auctioning of geographic licenses. Insofar as relevant to this proceeding, an incumbent license authorizes operation of a fixed transmitter at a specific location indicated on the license. An incumbent licensee is authorized to establish one or more “fill-in transmitters” within the 38 dBu contour area of the transmitter specified in authorization. <i>See</i> 47 C.F.R. § 80.385(b)(1). A geographic licensee must protect against co-channel interference to any incumbent station having a 38 dBu contour within the applicable AMTSA. The incumbent license is thus an encumbrance or</p>

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Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
			limitation on the geographic license. Should the incumbent license terminate for any reason, however, the area within the 38 dBu contour devolves to the geographic licensee and is no longer an encumbrance on its geographic license. 47 C.F.R § 80.385(c).
Known (or Not Known) to be Operating (or Not Operating), Operational	Although not officially defined by the Commission in its regulations or otherwise, these or similar terms have been used by Maritime in its discovery responses to convey, as a factual matter, the status of its incumbent facilities. Maritime has designated a facility as operational only if it knows or has a reasonable basis for believing that it is currently operational. Similarly, Maritime has designated a facility as non-operational or temporarily suspended if it knows that the facility is not currently operational. Finally, where Maritime does not know the current status of a facility, it has candidly so stated. <i>See also</i> Constructed and Operating or Operational .	<i>See</i> definition of Not Operating; Operating, In Operation, In Service; and Operational	Although not officially defined by the Commission in its regulations or otherwise, these or similar terms have been used by Maritime in its discovery responses to convey, as a factual matter, the known status of its incumbent facilities. Maritime has designated a facility as known to be operating only if it <u>(as it alleges)</u> knows, based on reliable and substantial evidence, that it is currently operating. Similarly, Maritime has designated a facility as not known to be operating or known to be not operating, if it knows, based on reliable and substantial evidence, that the facility is not currently operating. Finally, where Maritime does not <u>(as it alleges)</u> know the current status of a facility, it has candidly so stated. <i>See also</i> Constructed and Operating or Operational . <u>Skytel does not accept as valid the allegations of Maritime under these terms.</u>
Not Operating (including Temporarily and Permanently Not Operating)	An AMTS facility is not operating for regulatory purposes if it is not capable of exchanging two way communications traffic with a ship or mobile station. A facility is <i>Temporarily Not Operating</i> if it is not currently operating but the licensee intends to resume operation. A facility is <i>Permanently Not Operating</i> if it is not currently operating and the licensee does not intend to resume operation. <i>See also</i> Operating or Operational and Permanent Discontinuance .	The Bureau does not believe the definition of Not Operating should include <i>Temporarily</i> and <i>Permanently Not Operating</i> . The determination of whether a station has been temporarily or permanently not operating is a legal conclusion to be determined by the Presiding Judge based on the facts in a particular case. <i>See Northeast Utilities Service Co.</i> , 24 FCC Rcd. 3310, ¶ 10 (WTB Mar. 20, 2009) (concluding that “the lack of a Part 80 definition [of permanent discontinuance] requires us to evaluate claims of permanent discontinuance on a	<u>First, see memo from James Ming Chen submitted to Judge Sippel on December 5, 2012, which discusses “site-based” AMTS multi-site licenses and threshold requirements for said licenses to be maintained (certain required construction and commencement of operations, coverage and service to customers): “operating” and “not operating” derive therefrom.</u> An AMTS facility is not operating for regulatory purposes if it is not on-the-air, transmitting a signal, i.e. exchanging two-way communications traffic or

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
		case-by-case basis”). See Not Operating	providing service to end users and end-user radios. <i>See also Operating.</i> <u>Skytel alleges that “temporarily not operating” is not based upon relevant FCC rules.</u>
Not Operating	Same definition as Not Operating (including Temporarily and Permanently Not Operating)	An AMTS facility is not operating for regulatory purposes if it is not on-the-air, transmitting a signal, <i>i.e.</i> , exchanging two-way communications traffic. <i>See also Operating, In Operation, In Service</i>	<u>See comment above under “not operating” regarding the James Ming Chen memo.</u>
Operating, In Operation, In Service	An AMTS facility is operating for regulatory purposes if it is constructed and operational, <i>i.e.</i> , capable of exchanging two way communications traffic with a ship or mobile station. Unlike certain other radio services (see, <i>e.g.</i> , 47 C.F.R. § 90.155(c)), the Commission’s rules do not require that an incumbent AMTS service actually be providing service to any minimum number of units to be deemed constructed and in operation. <i>See also Constructed.</i>	An AMTS facility is operating, in operation, or in service , for regulatory purposes if it is constructed, and is on-the-air, transmitting a signal, <i>i.e.</i> , exchanging two-way communications traffic. Unlike certain other radio services (<i>see, e.g.</i> , 47 C.F.R. § 90.155(c)), the Commission’s rules do not require that an incumbent AMTS service actually be providing service to any minimum number of units to be deemed constructed and operating, in operation or in service . Whether a facility is operating, in operation, or in service is determined with respect to the licensed site. Operation of fill-in sites does not render operative an inactive licensed transmitter. <i>See Mobex Network Services, LLC, Memorandum Opinion and Order, 25 FCC Rcd 3390, ¶ 10, n. 48 (2010).</i>	<u>See comment above under “not operating” regarding the James Ming Chen memo. There is no difference in the terms “operating” “in operation” and “in service”.</u> “Service means to <u>serve customers, described in the Chen memo.</u> An AMTS facility is operating for regulatory purposes if it is constructed and is on-the-air, transmitting a signal, <i>i.e.</i> exchanging two-way communications traffic and providing service to the end users and end-user radios. <i>See 47 C.F.R. § 80.49.</i> Unlike certain other radio services(see, <i>e.g.</i> , 47 C.F.R. § 90.155(c)), the Commission’s rules do not require that an incumbent AMTS service actually be providing service to any minimum number of units to be deemed to be constructed and operating. Whether a facility is operating is determined with respect to the licensed site. Operation of fill-in sites does not render operative an inactive licensed transmitter. <i>See Mobex Network Services, LLC, Memorandum and Order, 25 FCC Rcd 3390, p. 10, n 48 (2010).</i> <i>See also Constructed.</i>

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ²
Operational	Same definition as Operating, In Operation, In Service	An AMTS facility is operational for regulatory purposes if it is constructed and <i>capable</i> of transmitting a signal, <i>i.e.</i> , able to exchange two-way communications traffic.	<u>First, see the Chen memo (for reasons indicated in this column above).</u> An AMTS facility is operational for regulatory purposes if it is constructed and capable of transmitting a signal, <i>ie.</i> , able to exchange two-way communications traffic.
Permanent Discontinuance	Section 1.955(a)(3) of the FCC Rules provides in pertinent part: "Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section." 47 C.F.R. § 1.955(a)(3). There is no AMTS regulation defining permanent discontinuance. The Commission has proposed to adopt an objective definition of permanent discontinuance for AMTS stations, <i>Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services</i> , WT Docket No. 10-112, <i>Notice of Proposed Rulemaking and Order</i> , 25 FCC Rcd 6996 (2010), but has not yet done so. The Commission explained that, precisely "[b]ecause an authorization will 'automatically terminate' ... it is imperative that our rules provide a clear and consistent definition of permanent discontinuance of operations; they do not." 25 FCC Rcd at 7017. Accordingly, Wireless Telecommunications Bureau's Mobility Division, acting for the Commission pursuant to delegated authority, has determined that, until such a	The Bureau does not believe the definition of Permanent Discontinuance should be included as a part of the Glossary. The determination of whether a station has been permanently discontinued is a legal conclusion to be determined by the Presiding Judge based on the facts in a particular case. <i>See Northeast Utilities Service Co.</i> , 24 FCC Rcd. 3310, ¶ 10 (WTB MSD Mar. 20, 2009) (concluding that "the lack of a Part 80 definition [of permanent discontinuance] requires us to evaluate claims of permanent discontinuance on a case-by-case basis").	<u>First, see the Chen memo (for reasons indicated in this column above).</u> Section 1.955(a)(3) of the FCC Rules provides in pertinent part: "Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section." 47 C.F.R. § 1.955(a)(3). There is no AMTS regulation defining permanent discontinuance. The Commission has proposed to adopt an objective definition of permanent discontinuance for AMTS stations, <i>Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services</i> , WT Docket No. 10-112, <i>Notice of Proposed Rulemaking and Order</i> , 25 FCC Rcd 6996 (2010), but has not yet done so. The Commission explained that, precisely "[b]ecause an authorization will 'automatically terminate' ... it is imperative that our rules provide a clear and consistent definition of permanent discontinuance of operations; they do not." 25 FCC Rcd at 7017. Accordingly, the Wireless Telecommunications Bureau's Mobility Division,

Defined Term	Maritime	Enforcement Bureau	SkyTel and Mr. Havens ⁵
	<p>rule is adopted, "it would be inappropriate to, retroactively and without notice, apply [an objective definition] to Part 80 stations" and that it therefore must "evaluate claims of permanent discontinuance on a case-by-case basis." <i>Northeast Utilities Service Co.</i>, 24 FCC Rcd 3310, 3314 (WTB MSD 2009).¹²</p>		<p>acting for the Commission pursuant to delegated authority, has determined that, until such a rule is adopted, "it would be inappropriate to, retroactively and without notice, apply [an objective definition] to Part 80 stations" and that it therefore must "evaluate claims of permanent discontinuance on a case-by-case basis." <i>Northeast Utilities Service Co.</i>, 24 FCC Rcd 3310, 3314 (WTB MSD 2009).¹³ Certain authorizations are prohibited from permanently discontinuing. For example, permanent discontinuance of public safety operations is prohibited. <i>See, e.g.</i>, 47 C.F.R. § 90.1435. The Commission's rules and orders show that public coast stations are primarily for public safety. In addition, the Commission has made it clear that public coast stations have an obligation to service maritime traffic or, if used of inland service, to give maritime service priority. Thus, public coast stations held to strict standards as to acceptable discontinuance. In particular, providers of maritime service must apply for authority to discontinue. <i>See</i> 47 C.F.R. § 80.471. Licenses are not granted unless continuous service will be provided. Service must be uninterrupted so as to guarantee communications for public safety uses.</p>

¹² This is consistent with, and indeed required by, the legal and Constitutional principles enunciated in the Supreme Court's recent opinion in *FCC v. Fox Television Stations*, 132 S. Ct. 2307 (2012). The Court there explained: "A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required. ... First, ... regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way." 132 S. Ct. 2317 (citations omitted).

¹³ This is consistent with, and indeed required by, the legal and Constitutional principles enunciated in the Supreme Court's recent opinion in *FCC v. Fox Television Stations*, 132 S. Ct. 2307 (2012). The Court there explained: "A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required. ... First, ... regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way." 132 S. Ct. 2317 (citations omitted).

Respectfully submitted,
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December 6, 2012

ATTACHMENT B

³ Ship transmit frequencies in Groups A and B are permitted to provide mobile-to-mobile communications where the written consent of all affected licensees is obtained.

(3) As listed in the table in this paragraph, AMTS Areas (AMTSAs) are based on, and composed of one or more of, the U.S Department of Commerce's 172 Economic Areas (EAs). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall treat Puerto Rico, the United States Virgin Islands, and the

Gulf of Mexico as EA-like areas. Maps of the EAs and AMTSAs are available for public inspection and copying at the Federal Communications Commission, Public Safety and Private Wireless Division, 445 12th Street, SW., Room 4-C330, Washington, DC. The Group A and B frequency pairs listed in the table

in paragraph (a)(2) of this section are available for assignment to a single licensee in each of the AMTSAs listed in the table in this paragraph. In addition to the listed EAs listed in the table in this paragraph, each AMTSA also includes the adjacent waters under the jurisdiction of the United States.

AMTS AREAS (AMTSAs)

AMTSAs	EAs
1 (Northern Atlantic)	1-5, 10.
2 (Mid-Atlantic)	9, 11-23, 25, 42, 46.
3 (Southern Atlantic)	24, 26-34, 37, 38, 40, 41, 174.
4 (Mississippi River)	35, 36, 39, 43-45, 47-53, 67-107, 113, 116-120, 122-125, 127, 130-134, 176.
5 (Great Lakes)	6-8, 54-66, 108, 109.
6 (Southern Pacific)	160-165.
7 (Northern Pacific)	147, 166-170.
8 (Hawaii)	172.
9 (Alaska)	171.
10 (Mountain)	110-112, 114-115, 121, 126, 128, 129, 135-146, 148-159.

* * * * *
 (b) Subject to the requirements of § 1.924 of this chapter, §§ 80.215(h), and 80.475(a), each AMTS geographic area licensee may place stations anywhere within its region without obtaining prior Commission approval provided:

(1) The AMTS geographic area licensee must locate its stations at least 120 kilometers from the stations of co-channel site-based AMTS licensees. Shorter separations between such stations will be considered by the Commission on a case-by-case basis upon submission of a technical analysis indicating that at least 10 dB protection will be provided to a site-based licensee's predicted 38 dBu signal level contour. The site-based licensee's predicted 38 dBu signal level contour shall be calculated using the F(50, 50) field strength chart for Channels 7 through 13 in § 73.699 (Fig. 10) of this chapter, with a 9 dB correction for antenna height differential. The 10 dB protection to the site-based licensee's predicted 38 dBu signal level contour shall be calculated using the F(50, 10) field strength chart for Channels 7-13 in § 73.699 (Fig. 10a) of this chapter, with a 9 dB correction factor for antenna height differential.

(2) The locations and/or technical parameters of the transmitters are such that individual coordination of the channel assignment(s) with a foreign administration, under applicable international agreements and rules in this part, is not required.

(3) For any construction or alteration that would exceed the requirements of

§ 17.7 of this chapter, licensees must notify the appropriate Regional Office of the Federal Aviation Administration (FAA Form 7460-1) and file a request for antenna height clearance and obstruction marking and lighting specifications (FCC Form 854) with the FCC, Attn: Information Processing Branch, 1270 Fairfield Rd., Gettysburg, PA 17325-7245.

(4) The transmitters must not have a significant environmental effect as defined by §§ 1.1301 through 1.1319 of this chapter.

(c) Any recovered frequency blocks will revert automatically to the holder of the geographic area license within which such frequencies are included. Any frequency blocks recovered where there is no geographic area licensee will be retained by the Commission for future licensing.

* * * * *
 15. Section 80.475 is amended by revising paragraph (a) to read as follows:

§ 80.475 Scope of service of the Automated Maritime Telecommunications System (AMTS).

(a) A separate Form 601 is not required for each coast station in a system. However, except as provided in § 80.385(b) and paragraph (b) of this section, the applicant must provide the technical characteristics for each proposed coast station, including transmitter type, operating frequencies, emissions, transmitter output power, antenna arrangement, and location.

* * * * *

16. Section 80.479 is revising paragraph (a) and adding paragraphs (b) and (c) to read as follows:

§ 80.479 Assignment and use of frequencies for AMTS.

(a) The frequencies assignable to AMTS stations are listed in subpart H of this part. These frequencies are assignable to ship and public coast stations for public correspondence communications.

(b) The transmissions from a station of an AMTS geographic area licensee may not exceed a predicted 38 dBu field strength at the geographic area border, unless all affected co-channel geographic area licensees agree to the higher field strength. The predicted 38 dBu field strength is calculated using the F(50, 50) field strength chart for Channels 7 through 13 in § 73.699 (Fig. 10) of this chapter, with a 9 dB correction factor for antenna height differential. Geographic area licensees must coordinate to minimize interference at or near their geographic area borders, and must cooperate to resolve any instances of interference in accordance with the provisions of § 80.70(a).

(c) AMTS frequencies may be used for mobile-to-mobile communications if written consent is obtained from all affected licensees.

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau’s Investigations and Hearings Division, certifies that she has on this 6th day of December, 2012, sent by first class United States mail copies of the foregoing “JOINT DRAFT GLOSSARY IN RESPONSE TO ORDER FCC 12M-53” to:

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Federal Communications Commission
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