

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
WJG MARITEL CORPORATION
Request For Temporary Suspension of Equipment
Certification for Digital Selective Calling Radios
with External Controls for 12.5 kHz Offset
Channels

ORDER

Adopted: November 27, 2000

Released: November 28, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. Introduction. On December 8, 1999, WJG MariTEL Corporation (MariTEL) requested that the Commission temporarily suspend the certification of ship station VHF (156-162 MHz) transmitters capable of employing external frequency controls to select 12.5 kHz offset channels. For the reasons that follow, we deny the request.

2. Background. On July 6, 1998, the Commission amended its Rules to permit a VHF public coast (VPC) licensee to operate on a 12.5 kHz offset channel where the licensee is authorized to operate on both 25 kHz channels adjacent to the offset channel. The Commission also amended its Rules to require that each VPC licensee of Licensing Areas 1-9 negotiate an agreement with the United States Coast Guard (USCG) that specifies two 12.5 kHz offset channels to be used for Automatic Identification Systems (AIS) in support of the USCG's Ports and Waterways Safety System (PAWSS). MariTEL is the licensee for VPC Licensing Areas 1-9. When MariTEL's digital, fully automated, nationwide marine communications system is fully operational, it plans to monitor the 25 kHz channels for incoming communications, but not the 12.5 kHz offset channels.

1 Letter from Russell H. Fox, Gardner, Carton & Douglas, to D'wana Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission (dated Dec. 8, 1999) (MariTEL Request).

2 Amendment of the Commission's Rules Concerning Maritime Communications, Third Report and Order and Memorandum Opinion and Order, PR Docket No. 92-257, 13 FCC Rcd 19853, 19874 ¶ 45 (1998) (Third Report and Order); see 47 C.F.R. § 80.371(c)(1)(iii).

3 PAWSS will be designed to provide vessel traffic services to facilitate the safe and efficient transit of vessel traffic to prevent collisions, groundings, and environmental damage associated with maritime accidents. See Third Report and Order, 13 FCC Rcd at 19876 ¶ 46. The AIS technology used to support PAWSS employs on-board transponders, electronic charts, and Differential Global Positioning System technology to provide direct, vessel-to-vessel, voiceless electronic data communications. Id. at 19877 ¶ 47.

4 MariTEL Request at 2.

3. On December 8, 1999, MariTEL requested that the Commission temporarily suspend the certification of ship station VHF transmitters with external controls for 12.5 kHz offset channels. On February 18, 2000, we placed MariTEL's request on public notice.⁵ We received six comments and one reply comment.⁶

4. *Discussion.* MariTEL argues that the VPC licensee should determine when ship station licensees have access to 12.5 kHz offset channels.⁷ It claims that allowing ship station licensees to manually tune to 12.5 kHz offset channels may cause interference to both the users of the adjacent 25 kHz channels and the USCG's PAWSS.⁸ MariTEL also argues that adoption of its request will cause no harm to existing VPC licensees or VHF ship stations.⁹ It states that no other licensee currently serves the 12.5 kHz offset channels, and that very few of today's VHF ship station radios are equipped to operate on 12.5 kHz offset channels.¹⁰ MariTEL nevertheless is concerned that circumstances may change and manufacturers will start obtaining certification for transmitters with external controls for 12.5 kHz offset channels.¹¹ To avoid such an occurrence, and to permit the Commission to evaluate the need for modification of Section 80.203(b) of its Rules,¹² MariTEL argues that the above-captioned request should be adopted.¹³

5. Ross Engineering Co. (Ross), a manufacturer of marine radio equipment, and the USCG argue that MariTEL's request to suspend certification of radios that provide ship station licensees with the capability to manually tune to 12.5 kHz offset channels will adversely affect the forthcoming mandatory implementation of AIS carriage. In addition, they contend that mandatory AIS carriage will be implemented by either a requirement under the international Safety of Life at Sea Convention, or installation of an AIS-

⁵ Wireless Telecommunications Bureau Seeks Comment on WJG MariTEL Corporation Request for Temporary Suspension of Equipment Certification for Digital Selective Calling Radios with External Controls for 12.5 kHz Offset Channels, *Public Notice*, 15 FCC Rcd 15698 (WTB PSPWD 2000).

⁶ The commenters were Communications Management Consultants, Inc. (CMC), National Marine Electronics Association (NMEA), Raytheon Marine Company (Raytheon), Ross Engineering Co., Standard Horizon, and the USCG. On April 3, 2000, the Private Wireless Division approved MariTEL's March 31, 2000 request for an extension of time to file reply comments. Subsequently, MariTEL submitted the only reply comment.

⁷ MariTEL Request at 3. MariTEL and CMC also state that there will be a greater degree of privacy when communicating over the offset channels if those channels can only be accessed via VPC licensees. MariTEL Request at 3; CMC Comments at 2.

⁸ MariTEL Request at 2. *Accord* CMC Comments at 1; Standard Horizon Comments at 1.

⁹ MariTEL Request at 3-4.

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² 47 C.F.R. § 80.203(b). Section 80.203 governs authorization of VHF ship equipment.

¹³ MariTEL Request at 4. CMC, NMEA, Raytheon, and Standard Horizon support MariTEL's request. *See* CMC Comments at 1; NMEA Comments at 1; Raytheon Comments at 1; Standard Horizon Comments at 1.

based Vessel Traffic System under the USCG's PAWSS.¹⁴ Ross and the USCG note that both the International Telecommunications Union¹⁵ and the International Maritime Organization¹⁶ require that radios intended for AIS be manufactured to include automatic and manual channel switching capability.¹⁷ We agree that MariTEL's request is at odds with these international requirements because it would prevent the certification, and consequently, the manufacture and sale of such radios within the United States. We also agree with Ross and the USCG that grant of MariTEL's request could prove burdensome to United States vessels that operate off the shores of Canada and/or Mexico.¹⁸ If either one of these border nations chooses to permit the use of 12.5 kHz offset channels, United States vessels that operate in that area would need to carry two radios, one without manual channel switching capability (for use in United States waters) and one with manual switching capability (for use in foreign waters).¹⁹ In addition, United States manufacturers would be precluded from producing equipment for use outside United States waters.²⁰

6. With respect to MariTEL's claim that interference may result if ship station licensees can access the 12.5 kHz offset channels,²¹ the USCG states that the issue of potential interference to PAWSS is under review and that, as of now, there is no determinative evidence indicating that interference would occur.²² There is also no determinative evidence to support MariTEL's claim that 25 kHz channel communications are at risk of possible interference. In fact, we view the present risk of possible interference to be slight because, as MariTEL asserts, very few current VHF ship stations or coast stations are equipped to operate on 12.5 kHz offset channels.²³ In conclusion, based on the record in this proceeding, we do not believe that MariTEL's speculative predictions of possible interference constitutes a sufficient basis upon which to grant its request. Rather, we believe that the previously noted international considerations necessitate the denial of MariTEL's request.

7. Accordingly, IT IS ORDERED pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the request for temporary suspension of equipment certification filed by WJG MariTEL Corporation on December 8, 1999, IS DENIED.

¹⁴ Ross Comments at 1-2; USCG Comments at 1-2. Although Section 80.203(i) of the Commission's Rules, 47 C.F.R. § 80.203(i), states that certification is not required for U.S. Government-furnished transmitters to fulfill a U.S. Government contract, MariTEL's request would affect the PAWSS project because, as the USCG notes, the AIS units on private vessels in question will not be government-owned. USCG Comments at 2.

¹⁵ ITU-R M1371.

¹⁶ IMO MSC 69, Recommendation on Performance Standards for a Universal Shipborne AIS.

¹⁷ Ross Comments at 2; USCG Comments at 2.

¹⁸ Ross Comments at 2; USCG Comments at 2.

¹⁹ USCG Comments at 2.

²⁰ See Ross Comments at 2.

²¹ MariTEL Request at 2.

²² USCG Comments at 2.

²³ MariTEL Request at 3.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau