

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

In the Matter of
MARITEL, INC.
Informal Request for Commission Action to
Permit Private Entities to Assign Maritime Mobile
Service Identities to Compulsory Vessels

ORDER

Adopted: October 1, 2001

Released: October 5, 2001

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

1. Introduction. On March 6, 2001, Maritel, Inc. (Maritel) filed an informal request to permit private entities to assign Maritime Mobile Service Identities (MMSIs) to vessels required by FCC rules and international regulations to obtain FCC authorization (licensed vessels).1 On March 19, 2001, we sought comment on Maritel's Initial Request.2 OWA, Inc. (OWA), filed comments, and Maritel and the U.S. Coast Guard (Coast Guard) filed reply comments.3 On May 22, 2001, Maritel filed a supplement to informal request for Commission action asking that private entities be permitted to assign MMSIs to a limited number of licensed vessels on an interim basis pending consideration of Maritel's Initial Request.4 For the reasons set forth herein, we deny the Initial Request and the Supplemental Request.

2. Background. An MMSI is a unique nine-digit number assigned to commercial and recreational U.S. vessels participating in the Global Maritime Distress and Safety System (GMDSS).5 As required by treaty, the Commission assigns MMSIs in accordance with the International Telecommunication Union (ITU) Radio Regulations and periodically notifies the ITU of assignments made to vessels traveling or communicating internationally.6 The Commission's Rules, as well as the ITU Radio Regulations, require

1 Maritel Informal Request for Commission Action to Permit Private Entities to Assign Maritime Mobile Service Identities to Compulsory Vessels (filed March 6, 2001) (Initial Request).

2 Wireless Telecommunication Bureau Seeks Comment on Request by Maritel, Inc. to Assign Maritime Mobile Service Identities (MMSIs) to Vessel [sic] that Are Required to Be Licensed, Public Notice, 16 FCC Rcd 6766 (WTB PSPWD 2001).

3 Comments also were received from Ross Engineering Company (Ross). Ross argued that before private entities are allowed to assign MMSIs to licensed vessels performance guidelines need to be established for the private sector to follow. Ross Comments at 1. Subsequently, Ross withdrew its objection to grant of Maritel's request, subject to enforcement of Maritel's representations in its Supplemental Request, see infra note 4. Letter from Mitchell Lazarus, counsel for Ross, to Magalie Salas, Secretary, Federal Communications Commission (dated July 24, 2001). On September 17, 2001, Maritel also filed ex parte comments that included a letter from the Coast Guard reiterating its support for Maritel's request, provided that certain conditions are met. Letter from Russell Fox, counsel for Maritel, to Magalie Salas, Secretary, Federal Communications Commission (dated September 17, 2001).

4 Maritel Supplement to Informal Request for Commission Action to Permit Private Entities to Assign Maritime Mobile Service Identities to Compulsory Vessels (filed May 22, 2001) (Supplemental Request).

5 FCC Seeks Comment Regarding Revision of Procedures for Assigning Maritime Mobile Service Identities, Public Notice, 13 FCC Rcd 9177-9177 (1997).

6 Id.

vessel owners to obtain an MMSI prior to using a digital selective calling (DSC) radio.⁷ Formerly, the Commission assigned all MMSIs through the ship licensing process.⁸ Earlier this year, the Commission announced that it had entered into agreements authorizing BoatUS and Maritel to distribute MMSIs to vessels that are no longer required⁹ to obtain an individual license.¹⁰ The Commission concluded that permitting private entities to assign MMSIs to exempt vessels would ease administrative burdens and processing delays for both the maritime community and the Commission.¹¹ It specifically provided, however, that licensed vessels would continue to receive MMSIs from the Commission through the licensing process.¹²

3. *Discussion.* Maritel proposes to privatize the assignment of MMSIs to licensed vessels.¹³ Under its proposal, vessels that obtain or currently have a license from the Commission would obtain an MMSI from the private sector.¹⁴ Maritel proposes that private entities will determine whether vessels are properly licensed before issuing MMSIs and, as appropriate, notify the Commission of the assignment of an MMSI to an already-licensed vessel so the Commission can update its database, or notify the Commission that it has issued an MMSI to an apparently unlicensed vessel.¹⁵ Maritel believes that private entities are better able to collect the extensive information required by the ITU regulations, and ensure that such information is current and accurate.¹⁶ Finally, Maritel argues that having private entities assign MMSIs to licensed vessels will enhance maritime safety because private entities will be able to issue MMSIs faster than they can under the Commission's licensing process.¹⁷

4. We are not persuaded by Maritel's arguments. First, as noted above, the Commission privatized the assignment of MMSIs to exempt vessels in order to reduce administrative burdens on itself and the maritime community. Currently, licensed vessels receive an MMSI automatically upon license grant or renewal. Adopting a system under which vessel owners request a license from the Commission and an MMSI from a private entity would, it appears, double the administrative burden on vessel owners compared to the current system. Adopting a system where vessel owners may obtain MMSIs from either the Commission or a private entity would not reduce the administrative burden on the Commission, which would have to retain all of its current procedures and modify its procedures to ensure that a single entity is not assigned multiple MMSIs.

⁷ *Id.*

⁸ *Id.*

⁹ In 1996, the Commission eliminated the licensing requirement for vessels that are not required by law to carry a radio and do not make international voyages or communication. See Amendment of Parts 80 and 87 of the Commission's Rules to Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses, *Report and Order*, WT Docket No. 96-82, 11 FCC Rcd 14849 (1996). Such vessels will be referred to herein as "exempt" vessels.

¹⁰ Commission Announces Revision Of Procedures For Assigning Maritime Mobile Service Identities, *Public Notice*, 16 FCC Rcd 918, 918-19 (2001) (Revised MMSI Procedures).

¹¹ *Id.* at 918.

¹² *Id.* at 918 n.3.

¹³ Initial Request at 1.

¹⁴ *Id.* at 4.

¹⁵ *Id.* at 5.

¹⁶ *Id.*

¹⁷ *Id.* at 6.

5. Moreover, we agree with the commenters, other than Maritel, that Maritel has not proposed sufficient safeguards to prevent the issuance of multiple MMSIs to the same vessel,¹⁸ or unauthorized operation by compulsory vessels with MMSIs but no license. OWA believes that allowing both private entities and the Commission to issue MMSIs to licensed vessels could result in multiple MMSIs assigned to a single ship station causing confusion, particularly in situations involving search and rescue operations.¹⁹ Further, there would be additional work for the Commission to ensure that multiple MMSIs are not issued to a single ship station.²⁰ The Coast Guard agrees with OWA's concern of multiple MMSIs being assigned to a single vessel and the need for establishing appropriate means to avoid this problem.²¹ Further, the Coast Guard does not believe that this issue has been adequately addressed either in the Initial Request or in the current agreements with BoatUS and Maritel.²² It states that it chairs Special Committee 101 of the Radio Technical Commission for Maritime Services, an industry standards-setting organization, and is willing to develop standards for performance, if needed.²³

6. In its reply comments, Maritel states that assertions by OWA and Ross are unfounded and there is no reason not to begin the process of drafting a more comprehensive agreement for assigning MMSIs to licensed vessels.²⁴ Maritel sees ensuring that multiple MMSIs are not issued to a single vessel as a ministerial problem that can be easily solved and should not be an impediment.²⁵ Maritel believes the proposal to develop performance standards would result in an unacceptable delay and ignores the process already in place for the current agreement pertaining to MMSIs for exempt vessels.²⁶ Maritel's conclusory responses do not persuade us that multiple MMSIs would not become a significant problem under its proposal. In addition, with respect to unauthorized operation by vessels with MMSIs but lacking the requisite license, we find Maritel's proposal to issue MMSIs to unlicensed vessels and notify the Commission within thirty days²⁷ to be unacceptable. We are concerned that such an approach would unnecessarily increase the incidence of unlicensed operation without any concomitant significant public interest benefits. Also, we are concerned that by placing the onus on the Commission to follow up with the vessel owner, it would increase our administrative burden compared to that associated with the current system.

7. Finally, we disagree with Maritel's argument that its proposal would significantly decrease the time it takes for licensed vessels to obtain MMSIs.²⁸ On November 20, 2000, the Wireless

¹⁸ Multiple MMSIs assigned to a single vessel could cause confusion during distress situations. MMSIs are programmed into marine radio equipment to provide a unique, internationally standardized number for contacting a vessel in cases of distress or safety, regardless of the radio system involved, and a common method for authorities to gain useful information concerning a distress incident.

¹⁹ OWA Comments at 1.

²⁰ *Id.*

²¹ Coast Guard Reply Comments at 2.

²² *Id.* at 3.

²³ Coast Guard Reply Comments at 2.

²⁴ Maritel Reply Comments at 2.

²⁵ *Id.* at 2-3.

²⁶ *Id.* at 5-6.

²⁷ *See* Initial Request at 5.

²⁸ Maritel Comments at 6; Maritel Reply Comments at 5 (stating "vessels operators must often wait six weeks or more before obtaining a MMSI number from the FCC").

Telecommunications Bureau (WTB) implemented the Universal Licensing System (ULS)²⁹ for all ship station licensing.³⁰ As part of the implementation, all new ship licenses, and all renewed and modified existing ship licenses not already holding an MMSI, are being issued an MMSI. In addition, a licensee may file a modification application requesting an MMSI. It is expected that an applicant with a properly filed application under any of those scenarios would ordinarily be granted an MMSI within twenty-four hours.

8. *Conclusion.* We deny Maritel's requests for authority to assign MMSIs to licensed vessels. Maritel's proposal would not reduce the administrative burden on the maritime community or the Commission. In addition, we agree with the commenters that Maritel has not demonstrated that the proposal would not result in the issuance of multiple MMSIs to the same vessel, and likely increase incidences of unauthorized operation. Finally, we believe that our current method of assigning MMSIs to licensed vessels, which utilizes ULS, is sufficiently expeditious that licensed vessels do not need an alternative at this time.³¹

9. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), the Informal Request for Commission Action of Maritel, Inc., filed March 6, 2001, and the Supplemental Request, filed on May 22, 2001, ARE DENIED.

10. 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
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Wireless Telecommunications Bureau

²⁹ The ULS is an interactive licensing database developed by WTB to consolidate and to replace 11 existing licensing systems used to process applications and to grant licenses in wireless services

³⁰ Wireless Telecommunications Bureau (WTB) to Implement Universal Licensing System (ULS) for Ship Station Licensing on November 20, 2000, *Public Notice*, 15 FCC Rcd 21870 (2000).

³¹ We note that, to date the Commission has privatized assignment of MMSIs only to vessels that are not required by law to carry a radio and do not make international voyages or communications, so are no longer required to obtain an individual license. *See Revised MMSI Procedures*, 16 FCC Rcd at 918. Should Maritel wish to pursue its request further, it can file a petition for rulemaking with the Commission.