



PUBLIC NOTICE

Federal Communications Commission
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DA 01-38

Released: January 9, 2001

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY MARITEL, INC. FOR WAIVER OF PART 80 REGULATIONS TO PERMIT USE OF 12.5 kHz RADIO EQUIPMENT OPERATING IN THE 156-162 MHz FREQUENCY BAND

Comment Date: February 6, 2001

Reply Date: February 20, 2001

On December 4, 2000, Maritel, Inc. (Maritel) requested that the Commission waive Sections 80.371(c), 80.205, and 80.211 of its Rules, 47 C.F.R. §§ 80.371(c), 80.205, and 80.211, and such other of the Commission's Rules as necessary to permit Maritel "to deploy radio equipment intended to operate on frequency assignments that are 12.5 kHz wide on frequency assignments currently specified in the FCC's VHF Public Coast ('VPC') radio service rules and frequency assignments that are 12.5 kHz 'offset' from such frequency assignments." Maritel is the largest provider of VHF public coast station services in the United States and the licensee of VPC licensing areas 1-9. Maritel is in the initial stages of building a North American VPC network that will offer advanced digital communications services in all U.S. coastal areas and major inland waterways.

Maritel contends that a waiver is needed because, although the Commission's Rules permit VPC station licensees to conduct narrowband operations on 12.5 kHz "offset" channels in the 156-162 MHz frequency band under certain conditions, there are no regulations "designed to precisely accommodate this ability." According to Maritel, the absence of such updated regulations may prevent Maritel from operating on, and vendors from seeking equipment authorization for, narrowband radio equipment to operate on current and offset channel centers. Maritel addressed the need for such rules in its comments to the Notice of Proposed Rulemaking in WT Docket No. 00-48, *Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications*, FCC 00-105 (March 24, 2000). Maritel also asserts, however, that its ability to meet its five-year substantial service benchmark under Section 80.49 of the Rules, 47 C.F.R. § 80.49, will be hampered if it must wait for the culmination of the rulemaking proceeding without obtaining the requested waiver relief in the interim. Maritel asks that any relief provided by the Commission in response to this request be extended at least to a specified list of equipment vendors identified in the waiver request, although none of the listed vendors has authorized or requested Maritel to seek this waiver on their behalf.

Maritel argues that the requested waiver is warranted because (i) application of the Rules in the instant case would frustrate the underlying purpose of the Part 80 regulations; and (ii) issuance of the waiver would serve the public interest. Maritel elaborates that denial of the requested waiver would frustrate the Commission's policy goal of promoting the use of narrowband technology in Part 80 operations, as reflected in particular by 47 C.F.R. §80.371(c)(iii), the rule authorizing the use of narrowband technology on "offset" frequencies. Maritel adds that issuance of the requested waiver will serve the public interest by facilitating the deployment of spectrally efficient technologies and fostering innovation. Maritel also claims that its operation of narrowband radio equipment on 156-162 MHz offset

channels will not cause any harm to third parties, because such operation is permitted only by the entity authorized on both sides of the offset frequency. Finally, Maritel states that it can be expected that other counties will permit operation on narrowband channels on both offset and current channel centers and, therefore, that “internationally-flagged vessels entering U.S. ports may soon be operating on 12.5 kHz wide channels on current and offset channel centers.”

Interested parties may file comments on the subject request on or before February 6, 2001. Parties interested in submitting reply comments must do so on or before February 20, 2001. All comments should reference the subject request, including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-325, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800, and to Jeff Tobias, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 2-C828, Washington, D.C. 20554, (202) 418-1617 or via e-mail to jtobias@fcc.gov.

The full text of the request, comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from ITS. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission’s Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than as a restricted proceeding under Section 1.1208 of the Commission’s Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be permissible but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission’s Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Jeff Tobias of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-1617, TTY (202) 418-7233, or via e-mail to jtobias@fcc.gov.

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