



PUBLIC NOTICE

Federal Communications Commission
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DA 03-1484

Released: May 5, 2003

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON
MARITEL, INC. REQUEST TO EXTEND CONSTRUCTION DEADLINE FOR CERTAIN
VHF PUBLIC COAST STATION GEOGRAPHIC AREA LICENSES**

Comment Date: June 4, 2003

Reply Date: June 19, 2003

On March 27, 2003, MariTEL, Inc. (MariTEL), requested¹ a waiver and two-year extension of the five-year construction requirement for nine VHF public coast (VPC) geographic areas.² MariTEL states that the two-year extension will provide it with additional time to construct an automatic identification system (AIS) technology-based network that offers data services, including automatic vessel location (AVL), short messaging and e-mail.

Geographic VPC licensees must demonstrate that they are providing substantial service within five years of the initial license grant, and again within ten years of the initial license grant.³ For the VPC areas at issue, the Commission has stated that the five-year substantial service requirement can be satisfied by coverage to one-third of the major waterway(s) in the service area.⁴ The licenses at issue were granted on May 19, 1999, so MariTEL's five-year construction date is May 19, 2004. MariTEL states that it originally planned to meet the deadline by constructing a VPC ship-to-shore voice communications network that relied on digital selective calling technology. MariTEL now believes that the advent and proliferation of other wireless technologies, such as cellular and personal communications services, has drastically reduced the market for VPC voice communications. MariTEL believes that its proposed data system would be of greater benefit to the maritime industry. Therefore, MariTEL plans to cease providing such services, and direct its resources into developing a new AIS-based data network.

MariTEL argues that maintaining the May 19, 2004 construction deadline would be contrary to the public interest because MariTEL could meet it only through the continued construction of its original voice network. MariTEL states that it needs an extension of the current five-year construction date in

¹ FCC File Nos. 0001252126, 0001252148, 0001252177, 0001252214, 0001252257, 0001252280, 0001252315, 0001252325, and 0001252334.

² Call Signs WPOJ530 (Northern Atlantic), WPOJ531 (Great Lakes), WPOJ532 (Northern Pacific), WPOJ533 (Mid-Atlantic), WPOJ534 (Southern Atlantic), WPOJ535 (Mississippi River), WPOJ536 (Southern Pacific), WPOJ537 (Hawaii), and WPOJ538 (Alaska).

³ See 47 C.F.R. § 80.49(a)(1).

⁴ 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, 19870 ¶ 34 (1998).

order to construct the proposed data network, because time is needed to develop and test the necessary equipment. Therefore, MariTEL requests a new deadline of May 19, 2006.

Interested parties may file comments on the subject request on or before June 4, 2003. Parties interested in submitting reply comments must do so on or before June 19, 2003. All comments should reference the subject request, including the DA number of the Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁵ A copy of each filing should be sent to 1) Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12th Street, S.W., Room CY-B529, Washington, D.C. 20554; and 3) Keith Fickner, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-C423, Washington, D.C. 20554, (202) 418-7308 or via e-mail to kfickner@fcc.gov.

MariTEL's applications and waiver requests can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. In addition, 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 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. 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 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 allowed 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 Mr. Keith Fickner of the Policy and Rules Branch, Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-7308, TTY (202) 418-7233, or via e-mail to kfickner@fcc.gov.

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

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⁵ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).