

<sup>6</sup> See Letter dated March 12, 2004, from J.D. Hersey, Jr., Chief, Spectrum Management Division, U.S. Coast Guard to D'wana R. Terry, Chief, Public Safety and Critical Infrastructure Division (*Coast Guard Letter*).

Port Puget Sound, with its use limited to intership communications with pilots regarding the movement and docking of ships at a normal power of one watt.<sup>7</sup> The Coast Guard also enclosed letters from the North Pacific Marine Radio Council (NPMRC),<sup>8</sup> the Puget Sound Harbor Safety and Security Committee (PSHSSC),<sup>9</sup> the Recreational Boating Association of Washington (RBAW),<sup>10</sup> and the Captain of the Port Puget Sound,<sup>11</sup> all concurring with the request.

4. *Discussion.* We agree with the Coast Guard that the proposed designation will enhance maritime safety in this busy waterway.<sup>12</sup> In this type of environment, harbor pilots rely upon clear and effective radio communications with tugs to help ensure the safe ingress and egress of large vessels.<sup>13</sup> The parties assert that there is a critical need for an additional VHF channel for communications between large commercial vessels, tankers and other vessels carrying hazardous cargoes, and pilots and tugs in the Vessel Traffic Service Puget Sound (VTS Puget Sound).<sup>14</sup> They note that the only frequency dedicated to intership communications related to port operations, VHF marine Channel 77 (156.875 MHz),<sup>15</sup> is frequently congested.<sup>16</sup> Congestion is intensified by the Canadian use of this channel for ship movement and docking at Delta Port, British Columbia, near the northern border of VTS Puget Sound.<sup>17</sup>

5. The parties submit that VHF marine Channel 71, which currently is designated for noncommercial intership and ship-to-coast use,<sup>18</sup> is a good candidate for a port operations channel because it carries very little recreational traffic, even during the summer months.<sup>19</sup> RBAW agrees that

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<sup>7</sup> Letter dated Feb. 1, 2004 from Captain William A. Bock, Puget Sound Pilots, to Commandant, United States Coast Guard (*Puget Sound Pilots Letter*).

<sup>8</sup> Letter dated Feb. 1, 2004 from George B. Hall, President, North Pacific Marine Radio Council, to Commandant, United States Coast Guard (*NPMRC Letter*). NPMRC is the recognized frequency coordinator for VHF private coast stations in the Puget Sound area. See 47 C.F.R. § 80.514(b).

<sup>9</sup> Letter dated Feb. 1, 2004 from Bruce Reed, Chairman, Puget Sound Harbor Safety and Security Committee, to Commandant, United States Coast Guard (*PSHSSC Letter*). PSHSSC is a committee of public and private members involved in the efficient use of the Puget Sound and adjacent waters. *Id.*

<sup>10</sup> Letter dated Feb. 1, 2004 from B.J. Ursin, President, Recreational Boating Association of Washington, to Commandant, United States Coast Guard (*RBAW Letter*). RBAW represents the interests of recreational boaters on legislative and regulatory matters affecting the quality, safety, and cost of boating in the Northwest. *Id.*

<sup>11</sup> Letter dated Feb. 1, 2004 from Captain D. Ellis, United States Coast Guard, to George Hall, North Pacific Marine Radio Council (*Ellis Letter*).

<sup>12</sup> See *Coast Guard Letter* at 1.

<sup>13</sup> See *Puget Sound Pilots Letter* at 1.

<sup>14</sup> See *Puget Sound Pilots Letter* at 1-2; *NPMRC Letter* at 1; *Ellis Letter* at 1.

<sup>15</sup> See 47 C.F.R. § 80.373(f).

<sup>16</sup> See *Puget Sound Pilots Letter* at 1; *NPMRC Letter* at 1; *PSHSSC Letter* at 1; *RBAW Letter* at 1; *Ellis Letter* at 1.

<sup>17</sup> See *Puget Sound Pilots Letter* at 1.

<sup>18</sup> See 47 C.F.R. § 80.373(f). Noncommercial communications are communication between coast stations and ship stations other than commercial transport ships, or between ship stations aboard other than commercial transport ships, which pertain to the needs of the ship.

<sup>19</sup> See *Puget Sound Pilots Letter* at 1; *NPMRC Letter* at 1.

recreational vessels have sufficient other channels to meet their VHF communication needs.<sup>20</sup>

6. Based on the foregoing, we hereby amend the frequency table in Section 80.373(f) to make VHF marine Channel 71 available for intership port operations communications in Puget Sound, the Straits of Juan de Fuca, and the approaches thereto. The normal output power must not exceed one watt, and the maximum output power must not exceed ten watts. This action will allow more efficient management of vessel traffic in the area, thereby increasing navigational safety and protecting the marine environment in this busy port.

7. We will permit private coast stations currently authorized to operate on VHF marine Channel 71 within VTS Puget Sound<sup>21</sup> to continue operation until the end of their current license term on a non-interference basis. NPMRC has contacted the owners of these stations, and they have agreed to change to another appropriate frequency.<sup>22</sup> Bureau staff will assist affected licensees in finding suitable alternative channels. No fee will be charged for affected stations that request an alternative channel before their next license renewals.

8. Finally, Puget Sound Pilots also request that VHF marine Channel 76 (156.825 MHz), which recently was designated for port operations communications,<sup>23</sup> be limited to intership communications with pilots regarding the movement and docking of ships.<sup>24</sup> The Coast Guard, however, did not support this request.<sup>25</sup> We agree with the Coast Guard and do not believe that it is necessary to so limit the use of Channel 76. We believe that in redesignating Channels 75 (156.775 MHz) and 76, the Commission (which acted after Puget Sound Pilots submitted their request to the Coast Guard) addressed the needs for additional spectrum for navigation-related port operation communications. Therefore, we will not amend our rules to limit such communications.

9. *Ordering Clause.* Accordingly, IT IS ORDERED, that pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331, Part 80 of the Commission's Rules IS AMENDED as set forth in Appendix A, effective thirty days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm, Chief  
Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau

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<sup>20</sup> *RBAW Letter* at 1.

<sup>21</sup> Stations WHX629, WQB474, and WQZ422.

<sup>22</sup> *NPMRC Letter* at 1.

<sup>23</sup> See Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Second Report and Order, Sixth Report and Order, and Second Further Notice of Proposed Rule Making*, WT Docket No. 00-48, PR Docket No. 92-257, 19 FCC Rcd 3120, 3134 ¶ 25 (2004).

<sup>24</sup> See *Puget Sound Pilots Letter* at 2.

<sup>25</sup> See *Coast Guard Letter* at 1.

## APPENDIX A

Title 47 of the Code of Federal Regulations, part 80 is proposed to be amended as follows:

**Part 80 -- Stations in the Maritime Services**

1. The authority citation for part 80 continues to read as follows:

**AUTHORITY:** Secs. 4, 303, 307 (e), 309 and 322, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307 (e), 309 and 322 unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.373 is amended by adding new footnote 19 to the table in paragraph (f) to read as follows:

**§ 80.373 Private communications frequencies.**

\* \* \* \* \*

(f) Frequencies in the 156-162 MHz band. \* \* \*

Frequencies in the 156-162 MHz band			
Carrier frequency (MHz)			
Channel designator	Ship transmit	Coast transmit	Points of communication (Intership and between coast and ship unless otherwise indicated)

\* \* \*

Noncommercial			
* * *	* * *	* * *	* * *
69.....	156.475	156.475	
71 \19\.....	156.575	156.575	
72.....	156.625	.....	Intership only.
* * *	* * *	* * *	* * *

\* \* \*

\19\ 156.575 MHz is available for port operations communications use only within the U.S. Coast Guard designated VTS radio protection area of Seattle (Puget Sound) described in § 80.383. Normal output power must not exceed 1 watt. Maximum output power must not exceed 10 watts.

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