



Federal Communications Commission
Washington, D.C. 20554

June 26, 2009

DA 09-1434

Jean Pierre de Lutz
Camp de la Suyere,
83680 La Garde Freinet
France

Dear Mr. de Lutz:

By letter dated October 24, 2008, you submitted a complaint regarding ACR Electronics, Inc. (ACR). You state that ACR duplicated the hexadecimal code for your 406 MHz Emergency Position Indicating Radiobeacon (EPIRB), and that this duplication caused you and your crew to be placed in life-threatening storm conditions at sea unnecessarily. As explained below, we decline to take action regarding this matter.

By way of background, EPIRBs are carried on board ships to alert others of a distress situation, and to assist search and rescue units in locating those in distress. Specifically, the EPIRB transmits a digital signal, detected by satellite, that provides distress alerting, homing assistance, type of emergency, country and identification code of the station in distress, and other pertinent information. The identification code programmed into each 406 MHz beacon is a unique fifteen-character code, including a three-digit country code. Owners of EPIRBs on United States vessels must register them with the National Oceanic and Atmospheric Administration (NOAA), and provide emergency contact information. Upon receiving a 406 MHz distress signal, search and rescue authorities use this contact information to, *inter alia*, determine whether the activation was inadvertent or reflects a genuine distress situation.

You indicate that in 2002, you purchased an ACR EPIRB from a vendor in the United Kingdom, and immediately registered it with NOAA. In 2007, you activated the EPIRB when your vessel encountered storm conditions during an Atlantic crossing. You state that a duplication of the code between your EPIRB and that of another vessel resulted in a potentially disastrous delay in the dispatch of Coast Guard personnel to rescue you and your crew.

As you note, the events regarding this incident are well-documented in news reports, and have been confirmed to us by representatives of the Coast Guard.¹ The identification code of your EPIRB was associated in NOAA's database only with the other vessel's EPIRB. Upon receipt of the distress alert, the Coast Guard contacted the owner of that vessel, who reported that he was not in distress. Consequently, that EPIRB's distress alert was initially dismissed as a false alarm (but the Coast Guard has indicated to us that your subsequent rescue was timely due to the Coast Guard's response to the signal from a redundant older 406 EPIRB on board your vessel that was simultaneously transmitting). The vendor where you purchased your EPIRB changed the country code from that of the United Kingdom to that of the United States prior to delivery, because you were planning to register it in the United States. This resulted in your EPIRB having the same fifteen-character code as a different ACR EPIRB in the United

¹ See, e.g., Douglas Campbell, *Death's Door*, Soundings, November 2008; Katie Rook, 'I thought we were dead,' *Ship Survivor Says*, National Post, May 23, 2007; Robin Lord, *Sailor Details Terrifying Ordeal of his Rescue at Sea*, The Cape Cod Times, May 18, 2007; Douglas Campbell, *EPIRB Problem Exposed By The Powerful Storm*, Soundings, November 2008.

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States. When the other vessel's EPIRB subsequently was registered with NOAA, your contact information associated with that identification code was overwritten.

You assert that ACR is responsible for this duplication of identification codes. We disagree; according to the information before us, the two ACR beacons in question had unique hexadecimal codes until your beacon was altered by the vendor. While we are concerned that this situation occurred, we find no basis to conclude that ACR violated our rules. Any complaint regarding the vendor's alteration of the hexadecimal code should be referred to United Kingdom authorities. In addition, comments regarding EPIRB registration procedures in the United States should be addressed to NOAA, which we understand has changed the procedures to ensure that similar duplications do not go undetected, and that the correct user registration information is retained.

Based on the information before us, we conclude that there is no basis for Commission action regarding this incident. Nonetheless, I hope that this response has been helpful.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
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cc: MD chron file
S Stone
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