



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU CLARIFIES AND TEMPORARILY WAIVES REQUIREMENTS FOR MARITIME DIGITAL SELECTIVE CALLING EQUIPMENT

In this *Public Notice*, we clarify and temporarily waive certain requirements for maritime fixed mounted (non-portable) digital selective calling (DSC) equipment.

Section 80.225(a)(4) of the Commission's Rules prohibits, as of March 25, 2011, the manufacture, importation, sale or installation of non-portable DSC equipment that does not comply with the standards referenced in Section 80.225(a)(2) of the Commission's Rules.¹ Section 80.225(a)(2) previously referenced International Telecommunication Union (ITU-R) Recommendation M.493-11 and, in the case of Class D VHF DSC equipment, International Electrotechnical Commission (IEC) International Standard 62238.² In June 2010, the Commission released the *Fourth Report and Order and Second Memorandum and Opinion (Fourth R&O)* in WT Docket No. 00-48, which, *inter alia*, revised Section 80.225(a)(2) to replace ITU-R Recommendation M.493-11 with ITU-R Recommendation M.493-13.³ It was anticipated that the *Fourth R&O* would be published in the Federal Register in mid- or late 2010, so the revised rule would take effect well before March 25, 2011 and manufacturers and retailers would have ample notice of the deadline for the manufacture, importation, sale or installation of non-portable DSC equipment that does not comply with ITU-R Recommendation M.493-13.⁴

The Federal Register publication of the *Fourth R&O* was unexpectedly delayed until November 2011, and the rules adopted in the *Fourth R&O* will not take effect until January 3, 2012.⁵ In light of this delay, we conclude that a temporary partial waiver of Section 80.225(a)(4) is warranted, in order to allow affected entities additional time to prepare for the prohibition on the manufacture, importation, sale or installation of non-portable DSC equipment that does not comply with ITU-R Recommendation M.493-13.⁶ As noted by the United States Coast Guard, this rule change, if it takes effect in January 2012, could

¹ See 47 C.F.R. § 80.225(a)(4).

² See 47 C.F.R. § 80.225(a)(2) (2010).

³ See Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Fourth Report and Order and Second Memorandum and Opinion*, WT Docket No. 00-48, 25 FCC Rcd 7781, 7806 (2010).

⁴ Non-portable DSC equipment that does not conform to ITU-R Recommendation M.493-13 installed before the deadline may be used indefinitely. See 47 C.F.R. § 80.225(a)(6).

⁵ See 76 Fed. Reg. 67604 (Nov. 2, 2011).

⁶ Section 1.925 of the Commission's Rules provides that a rule may be waived upon a showing that "(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the waiver would be in the public interest; or (ii) [i]n view of unique or unusual factual

have unintended and onerous consequences for manufacturers, importers and vendors of non-portable DSC equipment.⁷ Providing temporary relief from this requirement will avoid problems of stranded inventory while not unduly delaying the transition to more advanced DSC equipment. Consequently, we hereby waive the prohibition until **January 1, 2013**,⁸ after which manufacturers, importers, vendors and installers must cease making, importing, marketing and installing non-portable DSC equipment that does not conform to ITU-R Recommendation M.493-13.⁹

In addition, we understand that some confusion may exist regarding whether fixed mounted DSC equipment must have test call functionality. We take this opportunity to clarify that all such equipment must be capable of making a test call. ITU-R Recommendation M.493-11 and ITU-R Recommendation M.493-13 both clearly mandate test call functionality.¹⁰ That IEC 62238 cross-references ITU-R Recommendation M.493-10 (which did not require DSC test call functionality)¹¹ does not negate this requirement, for all fixed mounted DSC equipment has been required to have test call functionality since March 25, 2011 under ITU-R Recommendation M.493-11 and will continue to be so required under ITU-R Recommendation M.493-13 when the rules adopted in the *Fourth R&O* take effect.¹²

For further information, contact Ghassan Khalek or Jeff Tobias of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via email to Ghassan.Khalek@fcc.gov or Jeff.Tobias@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.” 47 C.F.R. § 1.925(b)(3)(i)-(ii); *see also* 47 C.F.R. § 1.3 (providing that any rule provision “may be waived by the Commission on its own motion or on petition if good cause thereof is shown”).

⁷ *See* Letter, dated Oct. 13, 2011, from Joseph Hersey, Jr., Chief, Spectrum Management and Telecommunications Policy Division, United States Coast Guard, to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

⁸ This action does not change or waive the prohibition on the certification of non-portable DSC equipment that does not conform to ITU-R Recommendation M.493-13. *See* 47 C.F.R. § 80.225(a)(2).

⁹ We emphasize that manufacturers, importers, vendors and installers remain obligated to deal in equipment that is compliant with the ITU-R Recommendation M.493-11 standard, as they have been since March 25, 2011.

¹⁰ *See* ITU-R Recommendation M.493-11, Table 4.7; ITU-R Recommendation M.493-13, Table 4.7. Table 4.7 also mandates test call acknowledgment capability.

¹¹ *See* IEC 62238 § 1 (Scope).

¹² The reference in Section 80.225(a)(4) to “either of the standards” may have engendered some confusion as to whether fixed mounted DSC equipment must comply with both the ITU and IEC standards referenced in Section 80.225(a)(2). It was clearly the Commission’s intent to require compliance with all of the referenced standards. In adopting the rule, the Commission stated, “[W]e conclude that DSC equipment should be required to meet the ITU-R M.493-11 and ITU-R M.541-9 standards and, in the case of Class D equipment, the IEC 62238 standard *as well*, and we amend Section 80.225(a) accordingly.” *See* Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rule Making*, WT Docket No. 00-48, 21 FCC Rcd 10282, 10298 ¶ 27 (2006) (emphasis added).