



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER OF PART 80 TO ALLOW CERTIFICATION AND USE OF SEAREKA MARITIME SURVIVOR LOCATING DEVICE OPERATING ON FREQUENCY 869 MHz

WT Docket No. 12-176

Comment Date: July 27, 2012

Reply Date: August 13, 2012

On April 30, 2012, Whiffletree Corporation Inc. (Whiffletree) filed on behalf of Seareka a request for waiver of Section 80.1061 of the Commission's Rules<sup>1</sup> to permit equipment certification and use of Seareka's Maritime Survivor Locating Device (MSLD), which operates on frequency 869.40-869.65 MHz, for use in man-overboard incidents.<sup>2</sup> The Seareka MSLD is designed to be worn on a life vest or other survival equipment and is activated by inflating the vest or submerging the MSLD. Upon activation, the MSLD sends a signal with a unique digital code indentifying the individual in distress and the individual's GPS position to a receiver onboard the parent vessel, and to any other vessel in the vicinity with a Seareka receiver. A waiver of Part 80 is required because currently there are no provisions in the rules for such a device.

Whiffletree states that the Seareka system is currently used for marine rescue in Europe and Asia. In the United States, frequency 869.40-869.65 MHz is used for cellular telephone service.<sup>3</sup> Whiffletree argues that using a different frequency in the United States would have a negative impact by increasing production costs, and impairing rescue efforts by reducing the number of vessels that receive the signal. It also argues that the Seareka system is unlikely to cause interference to cellular communications because the MSLD uses a polite protocol that transmits only when the frequency is quiet, and transmits a short (120 millisecond) low power (500 milliwatts) digital burst. It believes that the chance of interference is further reduced by the fact that the system is most likely to be used in open water.

Section 80.1061 of the Commission's Rules specifies minimum operational performance standards for Emergency Position Indicating Radio Beacons, including (1) use of the frequencies in the 406.0 MHz to 406.1 MHz band; (2) a "homing" beacon operating only on 121.500 MHz that is an integral part of the device; (3) an effective radiated power of 5 watts  $\pm$  2 dB after 48 hours of continuous operation

<sup>1</sup> 47 C.F.R. § 80.1061.

<sup>2</sup> Letter to the Federal Communications Commission from George E. Lariviere, Vice President, Whiffletree Corporation Inc., dated April 30, 2012.

<sup>3</sup> See 47 C.F.R. § 22.905(a).

and without replacement or recharge of batteries; (4) an identification code programmed into the device and registered by the user with the National Oceanic and Atmospheric Administration; and (5) required testing by a lab recognized by COSPAS/SARSAT partners as well as an independent lab. Because of the size and use of the Seareka system, Whiffletree seeks waiver of the frequency and power standards, identification code requirements, and testing requirements in Section 80.1061. Whiffletree states that the Seareka MSLD meets the applicable parts of Radio Technical Commission for Maritime Services Recommended Standards for Maritime Survivor Locating Devices,<sup>4</sup> and that it will submit test results to the U.S. Coast Guard for approval that it meets the RTCM recommended standards.

### Procedural Matters

Comments on the request are due **no later than July 27, 2012**. Reply comments are due **no later than August 13, 2012**. All filings should reference the docket number of this proceeding, **WT 12-176**.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

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<sup>4</sup> RTCM 11901.0, Version 1.0, RTCM Paper 240-2004/SC119-STD with Amendment 1. RTCM has updated this standard in document RTCM Paper 219-2011-SC119-155 CDV – RTCM 11901.1, RTCM Standard for Maritime Survivor Locating Devices.

<sup>5</sup> *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Ave., N.E. is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 12-176**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

For further information, contact Mr. Jim Shaffer of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0687, [james.shaffer@fcc.gov](mailto:james.shaffer@fcc.gov).

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

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