



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 15-928

Released: August 18, 2015

## WIRELESS TELECOMMUNICATION BUREAU SEEKS COMMENT ON REQUESTS OF DATAWELL BV AND MARINE INSTRUMENTS S.A. FOR WAIVERS TO PERMIT CERTIFICATION AND USE OF HIGH FREQUENCY RADIO BUOYS

WT Docket No. 15-197

**Comment Date: September 17, 2015**

**Reply Date: October 2, 2015**

By this *Public Notice*, we seek comment on two requests for waiver of the Commission's rules to permit certification and use of high frequency radio buoys. A radio buoy is a marine buoy equipped with a transmitter, used for various purposes such as providing navigational data, marking the location of equipment, or collecting scientific data.

On April 2, 2015, Coastal Obs Tech Services LLC filed a request on behalf of Datawell BV (Datawell) for a waiver to permit equipment authorization for Datawell's Waverider ocean buoys.<sup>1</sup> The request states that the Waverider is used by oceanographic and meteorological agencies worldwide to collect information regarding wave motion. Section 90.248 of the Commission's Rules provides that the frequency bands 40.66-40.70 MHz and 216-220 MHz may be used on a secondary basis for telemetry of scientific data from ocean buoys.<sup>2</sup> Because the Waverider operates on 29 MHz frequencies<sup>3</sup> in the Part 90 Industrial/Business Pool,<sup>4</sup> Datawell seeks a waiver of Section 90.248.

On July 1, 2015, Marine Instruments S.A. (Marine Instruments) filed a request for waiver to permit equipment authorization for its M2P radio buoy, which transmits the geographic coordinates of gear used in high seas fishing operations in order to facilitate safe and efficient gear recovery, and reduce navigational risk and ghost fishing.<sup>5</sup> It states that the M2P is approved by the European Community for

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<sup>1</sup> Letter dated March 25, 2015 from Mark Bushnell, Coastal Obs Tech Services LLC to Federal Communications Commission.

<sup>2</sup> 47 C.F.R. § 90.248(a); *see also* 47 C.F.R. § 2.106 note US210.

<sup>3</sup> Specifically, 29.71, 29.73, 29.75, 29.77, and 29.79 MHz.

<sup>4</sup> 47 C.F.R. § 90.35(b)(3).

<sup>5</sup> Letter dated June 26, 2015 from Gregory Hammann, Director Strategic Business Development, Marine Instruments to Federal Communications Commission.

use on European vessels. The M2P operates on seven 26 MHz frequencies.<sup>6</sup> Marine Instruments requests a waiver of Section 80.373(c) of the Commission's Rules, which authorizes use of the 2000-27500 kHz bands for ship-to-ship and ship-to-coast business and operational communications.<sup>7</sup>

We seek comment on the waiver requests.

### Procedural Matters

Interested parties may file comments and reply comments in response to either or both waiver requests on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 15-197. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>8</sup>

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers 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, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12<sup>th</sup> Street, SW, 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 requests, 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

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<sup>6</sup> Specifically, 26.145, 26.150, 26.155, 26.160, 26.165, 26.170, and 26.175 MHz.

<sup>7</sup> 47 C.F.R. § 80.373(c).

<sup>8</sup> See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

docket number, WT No. 15-197. 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).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>9</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.

For further information, contact Mr. Tim Maguire of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2155, [tim.maguire@fcc.gov](mailto:tim.maguire@fcc.gov).

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

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<sup>9</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.