



PUBLIC NOTICE

Federal Communications Commission
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DA 16-17

Released: January 8, 2016

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON VESPER MARINE LTD. REQUEST FOR WAIVER TO PERMIT CERTIFICATION AND USE OF AUTOMATIC IDENTIFICATION SYSTEM VIRTUAL AID TO NAVIGATION

WT Docket No. 16-6

Comment Date: February 8, 2016

Reply Date: February 23, 2016

By this *Public Notice*, we seek comment on a request for waiver to permit certification and use of an Automatic Identification System (AIS) Aid to Navigation (AtoN) manufactured by Vesper Marine Ltd. (Vesper Marine). AIS is an international maritime navigation safety communications system adopted by the International Maritime Organization and Safety of Life at Sea Convention that is intended for collision avoidance, monitoring, and tracking.¹ An AtoN is any device external to a vessel intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.² A virtual AtoN is a coast station that transmits navigational information that appears on vessels' electronic displays as if the AtoN were physically located at the site of the hazard.

On November 6, 2015, Vesper Marine filed a request for waiver of part 80 of the Commission's rules to permit equipment authorization and licensing for its Model VAB1252 Virtual AIS Beacon.³ The U.S. Coast Guard has determined that the Model VAB1252 meets the technical requirements of IEC 62320-2, Maritime navigation and radiocommunication equipment and systems - Automatic identification system (AIS) - Part 2: AIS AtoN Stations - Operational and performance requirements, methods of testing and required test results.⁴ The Commission's rules, however, do not provide for the certification and use

¹ See *Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems*, Second Report and Order, 23 FCC Rcd 13711, 13712 para. 2 (2008) (*AIS Second R&O*).

² See *Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems*, Report and Order and Further Notice of Proposed Rule Making and Fourth Memorandum Opinion and Order, 21 FCC Rcd 8892, 8936 n.33 (2006) (citing 33 CFR § 62.3(a)).

³ Request of Vesper Marine Ltd. for Waiver (filed Nov. 6, 2015) (Request).

⁴ See Letter from Commander T.M. Howard, Chief, U.S. Coast Guard, Office of Design and Engineering Standards, Engineering Division, to Vesper Marine Ltd (Aug. 18, 2015) (attached to Request).

of AIS AtoNs.⁵ Consequently, Vesper Marine seeks a waiver in order to permit certification and use of Model VAB1252 under section 80.17(b), which pertains to maritime stations on land.⁶

We seek comment on the waiver request.

Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 16-6. 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.⁷

- **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, 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 12th 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 12th 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.

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

⁵ In fact, the Commission specifically decided not to authorize operation of AIS base stations by non-Federal entities. See *AIS Second R&O*, 13 FCC Rcd at 13726-27 para. 25.

⁶ 47 CFR § 80.17(b). Vesper Marine also notes that other AIS AtoNs have received FCC equipment authorization. See Request at 2.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

docket number, WT No. 16-6. 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.

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.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁸ 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.

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

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⁸ See 47 CFR §§ 1.1200(a), 1.1206.