



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON U.S. COAST GUARD REQUEST FOR WAIVER TO PERMIT USE OF CLASS D VHF DIGITAL SELECTIVE CALLING EQUIPMENT IN LIEU OF CLASS A EQUIPMENT

WT Docket No. 16-162

Comment Date: June 20, 2016

Reply Date: July 5, 2016

By this *Public Notice*, we seek comment on a request by the U.S. Coast Guard (Coast Guard) that passenger-carrying vessels required to carry VHF radiotelephone equipment with digital selective calling (DSC) capability be permitted to carry Class D VHF-DSC radios in lieu of Class A equipment.¹ DSC is an internationally approved system for automatically contacting vessels which allows mariners to instantly send an automatically formatted distress alert to rescue authorities anywhere in the world and to initiate or receive distress, urgency, safety, and routine radiotelephone calls to or from any similarly equipped vessel or shore station without requiring either party to be near a radio loudspeaker.

Vessels subject to Subpart W of the Commission's rules, *i.e.*, cargo ships (including fishing vessels) of 300 tons gross tonnage and upwards and passenger ships licensed or certificated to carry more than 12 passengers navigating in the open sea,² must carry a VHF radiotelephone installation with DSC capability.³ Most vessels subject to Subpart S of the Commission's rules, *i.e.*, ships that transport more than six passengers for hire while being navigated on the open sea or any adjacent tidewater of the United States (commonly referred to as small passenger vessels),⁴ also must carry a VHF-DSC radiotelephone installation.⁵

¹ See Class A VHF-DSC Radio Carriage Requirement Blanket Waiver Request for Coast Guard Inspected Passenger Vessels (filed Mar. 18, 2016) (Request).

² 47 CFR § 80.1065(a).

³ 47 CFR § 80.1085(a).

⁴ 47 CFR § 80.901. Subpart S often is described as governing vessels carrying between seven and twelve passengers for hire. We note, however, that vessels carrying more than twelve passengers that are not subject to Subpart W, because they sail only in tidewaters adjacent to the open sea but not in the open sea, also are subject to Subpart S.

⁵ 47 CFR § 80.905(a)(1).

Until recently, Subpart W fishing vessels and all Subpart S vessels were exempt from the VHF-DSC requirement, because the Commission's rules provide that the requirement takes effect one year after Coast Guard notification to the Commission that shore-based Sea Area A1 coverage has been established.⁶ On January 20, 2015, the Coast Guard notified the Commission that it had declared Sea Area A1 within twenty nautical miles seaward of the territorial baseline along the East, West, and Gulf coasts of the United States, excluding Alaska, and including Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Northern Mariana Islands of Saipan, Tinian, and Rota.⁷ This determination was based upon the performance of the Coast Guard's Rescue 21 System.⁸ Consequently, fishing vessels and small passenger vessels operating in those waters were required to upgrade to VHF-DSC equipment no later than January 20, 2016.⁹

Under Commission's rules, only Class A VHF-DSC equipment, which is intended for large, ocean-going ships to meet the Global Maritime Distress and Safety System (GMDSS) requirements,¹⁰ meets the VHF-DSC carriage requirement.¹¹ Also available, however, is Class D equipment, which is less costly and provides minimum facilities for VHF DSC distress, urgency, and safety, as well as routing calling and reception, but is not in full conformance with GMDSS requirements for VHF installations.¹² Ship station licensees currently may request individual exemptions to permit use of a Class D VHF-DSC radio in lieu of a Class A radio.¹³

Coast Guard requests a blanket waiver to permit all Subpart S and W passenger-carrying vessels that do not travel internationally to use Class D equipment to satisfy the VHF-DSC carriage requirement, provided that the radio contains integral Global Positioning System capabilities or is connected to an electronic position-fixing device. It states that both Class A and Class D radios are sufficient for the

⁶ 47 C.F.R. §§ 80.905(a)(1), (a)(3), (a)(4), 80.1071(c). Sea Area A1 is an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available. 47 CFR § 80.1069(a)(1).

⁷ See Declaration of Sea Area A1, 80 Fed. Reg. 2722, 2723 (2015).

⁸ Rescue 21 is the Coast Guard's advanced command, control and direction-finding communications system that was created to better locate mariners in distress. It is comprised of strategically placed VHF Coast stations that provide a continuous watch on DSC Channel 70 for receiving and responding to digital distress signals. In addition to declaring Sea Area A1 along the designated coasts, Coast Guard informed mariners that the Rescue 21 System also provides VHF coast stations along the Great Lakes, and that Rescue 21 facilities are being built along the Western Rivers and in Alaska.

⁹ *Fishing Vessels and Small Passenger Vessels in Certain Areas Must Upgrade to VHF Digital Selective Calling Equipment by January 20, 2016*, Public Notice, 30 FCC Rcd 3680, 3680 (WTB 2015).

¹⁰ *Amendment of the maritime rules concerning the use of digital selective calling equipment*, Report and Order, 4 FCC Rcd 2030, 2030, para. 5 (1989).

¹¹ 47 CFR § 80.1101(c)(2)(ii).

¹² Recommendation ITU-R M.493-14, Digital selective calling system for use in the maritime mobile service, at Annex 2 (09/2015).

¹³ *Wireless Telecommunications Bureau Provides Additional Guidance Regarding January 20, 2016 Deadline for Fishing Vessels and Small Passenger Vessels to Carry VHF Digital Selective Calling Equipment*, Public Notice, 31 FCC Rcd 218, 219 (WTB 2016).

Rescue 21 System and provide an equivalent level of safety, because both share the same basic capabilities to instantly send distress alerts and to initiate or receive radiotelephone calls.¹⁴

We seek comment on the Coast Guard request to permit Subpart S and W passenger-carrying vessels that do not travel internationally to use Class D equipment to satisfy the VHF-DSC carriage requirement. We also seek comment on whether such a waiver should be extended to Subpart W fishing vessels.

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. 16-162. 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.¹⁵

- **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

¹⁴ See Request at 1-2.

¹⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

docket number, WT No. 16-162. 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.¹⁶ 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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¹⁶ See 47 CFR §§ 1.1200(a), 1.1206.