

Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of)	
)	
OCEAN SIGNAL LIMITED)	WT Docket No. 19-124
)	
Request for Waiver to Permit Equipment)	
Authorization and Use of a Personal Locator)	
Beacon (PLB) Incorporating an Automatic)	
Identification System (AIS) Locating Function)	

ORDER

Adopted: October 2, 2019

Released: October 3, 2019

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* This *Order* grants a request filed by Ocean Signal Limited (Ocean Signal) for waiver of the Commission’s rules to permit the equipment authorization and use of a personal locator beacon (PLB) that incorporates Automatic Identification System (AIS) functionality in compliance with a recently published Radio Technical Commission for Maritime Services (RTCM) standard.¹

2. *Background.* A PLB is a small portable transmitter that is intended to provide individuals in remote areas a means to alert others of an emergency situation and to aid search and rescue personnel to locate those in distress.² PLBs transmit a distress signal on frequency 406 MHz for communication with the Cospas-Sarsat satellite system and a lower-powered signal on frequency 121.5 MHz that is used by search and rescue personnel as a homing beacon to help locate persons in distress.³

3. PLBs must conform with the version of RTCM Standard 11010 that is incorporated by reference in the Commission’s rules.⁴ RTCM has since published a revised edition that permits AIS

¹ See Ocean Signal Ltd., Waiver Request (dated July 23, 2018) (Request). AIS is a “maritime navigation safety communications system standardized by the International Telecommunication Union (ITU) and adopted by the International Maritime Organization (IMO) that provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft; receives automatically such information from similarly fitted ships; monitors and tracks ships; and exchanges data with shore-based facilities.” See 47 CFR § 80.5; 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, 8894-8901, paras. 4-11 (2006).

² 47 CFR § 95.2903. Some owners of vessels that are not required to carry emergency position indicating radio beacons (EPIRBs) choose to carry PLBs instead. *Amendment of the Commission’s Rules Regarding Maritime Radio Equipment and Related Matters et al.*, Report and Order, 31 FCC Rcd 10300, 10304, para. 8 (2016).

³ *ACR Electronics, Inc.*, Order, 30 FCC Rcd 14038, 14038, para. 2 (WTB MD 2015). Cospas-Sarsat is an international satellite-based search and rescue system established by Canada, France, Russia, and the United States. Cospas is an acronym for a Russian phrase meaning space system for search and distress vessels; Sarsat stands for search and rescue satellite aided tracking.

⁴ RTCM 11010.2, “406 MHz Satellite Personal Locator Beacons (PLBs),” including Amendments 1 and 2, dated June 8, 2012; see 47 CFR § 95.2989(b)(1).

alerting in addition to homing on frequency 121.5 MHz.⁵ Ocean Signal states that PLBs designed to the new RTCM standard will provide users with enhanced safety, as the addition of AIS in PLBs will provide increased location accuracy and enhance the ability of rescuing resources to locate persons in distress.⁶ Consequently, it seeks a waiver to permit equipment certification and use of PLBs with AIS alerting pursuant to the revised RTCM standard.⁷

4. RTCM subsequently filed a petition for rulemaking requesting that the revised standard be incorporated into the rules.⁸ Commenters support the petition.⁹ That proceeding remains pending.

5. *Discussion.* Section 1.925 of the Commission's rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.¹⁰ We conclude that the waiver request meets the first prong of the waiver standard.

6. Ocean Signal's proposed PLB adds AIS position and identity transmission, and it offers improvements to current PLBs such as interoperability with existing AIS equipment, location technology, and identification of persons in distress. We agree with Ocean Signal that application of the rules in this instance would frustrate their underlying purpose – promoting public safety – and that a waiver would serve the public interest because use of a PLB with AIS position locating will facilitate recovery of lost mariners and other persons in distress.¹¹ We therefore grant Ocean Signal's request for a waiver to permit the equipment authorization, marketing, and use of a PLB with AIS position locating, pending resolution of RTCM's rulemaking petition.¹²

7. As a condition of the waiver grant, the device must undergo United States Coast Guard review in order to obtain FCC certification. Specifically, Ocean Signal must first submit to the Coast

⁵ RTCM 11010.3 for 406 MHz Satellite Personal Locator Beacons (PLBs), dated June 25, 2018.

⁶ See Request at 1-2.

⁷ The Wireless Telecommunications Bureau sought comment on the waiver request on April 30, 2019. See *Wireless Telecommunications Bureau Seeks Comment on Ocean Signal Limited Request for Waiver to Permit Equipment Authorization and Use of a Personal Locator Beacon (PLB) Incorporating an Automatic Identification System (AIS) Locating Function*, Public Notice, 34 FCC Rcd 2812 (WTB MD 2019). No comments were filed.

⁸ Petition of the Radio Technical Commission for Maritime Services for Rulemaking, RM-11813 (filed Aug. 20, 2018).

⁹ Public notice was provided on August 23, 2018. See *Consumer and Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, Public Notice, Report No. 3100 (Aug. 23, 2018).

¹⁰ 47 CFR § 1.925(b)(3); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹¹ See *McMurdo Group*, Order, 30 FCC Rcd 10634, 10635, para. 7 (WTB MD 2015) (granting waiver to permit equipment authorization and use of EPIRB with AIS alerting before the Commission's rules incorporated the revised RTCM standard permitting AIS EPIRBs); *Marine Rescue Technologies Limited*, Order, 28 FCC Rcd 12194, 12195, para. 6 (WTB MD 2013) (granting waiver to permit equipment authorization and use of maritime survivor locating device (MSLD) with AIS alerting before the Commission's rules incorporated the RTCM standard permitting AIS MSLDs).

¹² That is, Ocean Signal and users of its AIS PLB will be subject to the rules adopted in the pending rulemaking proceeding, but will be permitted to operate pursuant to this waiver until such rules take effect.

Guard the model number of the AIS device and copies of the test report and test data from a test facility accepted by the Coast Guard showing that the device complies with all the necessary requirements, including the environmental and operational requirements identified in RTCM Standard 11010.3.¹³ Electronic submissions for Coast Guard approval should be sent to typeapproval@uscg.mil. Paper submissions should be mailed to

Commandant (CG-ENG-3)
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr Ave., S.E.
Washington, DC 20593-7509

After reviewing the information, the Coast Guard will issue a letter stating whether the device meets the requirements of RTCM Standard 11010.3 and any other appropriate requirements. This letter must be included with the application for FCC equipment certification. The request for equipment certification shall be submitted in writing to a Telecommunication Certification Body.¹⁴ The equipment also must comply with the pertinent requirements in part 95.¹⁵ Ocean Signal must reference this *Order* when applying for FCC equipment certification. Equipment must receive certification prior to marketing.¹⁶

8. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and section 1.925 of the Commission's rules, 47 CFR § 1.925, that the Request for Waiver filed by Ocean Signal Limited on July 23, 2018, IS GRANTED as set forth herein.

9. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹³ See 46 CFR § 159.010.

¹⁴ See 47 CFR § 2.911(a).

¹⁵ See 47 CFR §§ 95.2961-95.2993.

¹⁶ See 47 CFR §§ 2.803(b)(1), 2.907.