

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

In the Matter of)	
)	
Amendment of Parts 13 and 80 of the)	WT Docket No. 00-48
Commission's Rules Concerning Maritime)	
Communications)	
)	
Petition for Rule Making Filed by Globe Wireless,)	RM-9499
Inc.)	
)	
Amendment of the Commission's Rules)	PR Docket No. 92-257
Concerning Maritime Communications)	

ORDER ON RECONSIDERATION

Adopted: May 11, 2004

Released: May 14, 2004

By the Commission:

1. On February 12, 2004, the Commission released the *Second Report and Order, Sixth Report and Order, and Second Further Notice of Proposed Rule Making* in this proceeding (*GMDSS Second Report and Order*).¹ The *GMDSS Second Report and Order* updated and streamlined Part 80 of the Commission's Rules, governing the Maritime Radio Services.² The rule amendments adopted in the *GMDSS Second Report and Order* are intended to enhance maritime safety, promote the efficient use of the maritime radio spectrum, and remove unnecessary regulatory burdens on the users and manufacturers of maritime radio equipment. Among other things in the *GMDSS Second Report and Order*, the Commission adopted new rules for the certification of equipment to be used in Automatic Identification Systems (AIS), a VHF maritime ship-to-ship/ship-to-shore maritime radio service in which vessels and designated shore stations broadcast a unique identifier, coupled with safety-related information on, for example, ship positions and intentions.³ The *GMDSS Second Report and Order* specified that the rules adopted therein are to take effect sixty days after their publication in the Federal Register.⁴

2. On November 5, 2002, Congress passed the Maritime Transportation Security Act of 2002 (MTSA), which mandates domestic deployment of AIS.⁵ The MTSA directs the Coast Guard to

¹ Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Second Report and Order, Sixth Report and Order, and Second Further Notice of Proposed Rule Making*, WT Docket No. 00-48, PR Docket No. 92-257, 19 FCC Rcd 3120 (2004).

² 47 C.F.R. §§ 80.1 *et seq.*

³ See *GMDSS Second Report and Order*, 19 FCC Rcd at 3155-56 ¶ 67. The AIS equipment certification requirements are to be codified in a new Section 80.275 of the Commission's Rules, 47 C.F.R. § 80.275. The standards that AIS equipment must meet in order to be certified will be incorporated by reference in Section 80.1101(c)(12) of the Commission's Rules, 47 C.F.R. § 80.1101(c)(12).

⁴ *Id.* at 3167 ¶ 99.

⁵ See P.L. 107-295, § 102(e), 116 Stat. 2084 (2002) (codified at 46 U.S.C. § 70114).

promulgate regulations imposing AIS carriage requirements on certain vessels while they are operating on the navigable waters of the United States.⁶ Pursuant to the MTTSA, the Coast Guard in 2003 adopted AIS carriage and operational requirements for specified classes of U.S. flag vessels.⁷ For many of the subject vessels, the Coast Guard requirement to carry AIS equipment takes effect on July 1, 2004.⁸

3. We believe that the public interest would be served if the requirements for certification of AIS equipment adopted by the Commission in the *GMDSS Second Report and Order* are in effect prior to the July 1, 2004 AIS carriage deadline, and in any event as soon as reasonably possible. The Coast Guard's AIS carriage requirements and the Commission's AIS equipment certification requirements are interrelated. Vessel operators can meet the AIS carriage requirement only if AIS equipment is available to them, yet AIS equipment can be manufactured and marketed in the United States only if it has been certified by the Commission. Although the Commission has permitted certification of AIS equipment in the interim prior to the codification of AIS equipment certification rules,⁹ the absence of codified standards may engender uncertainty as to whether a particular AIS transceiver would meet the requirements for Commission certification, and, in turn, whether its installation on board a vessel will comply with the AIS carriage requirement. This could impede the development and manufacture of AIS equipment, which would cause vessel operators to delay installation of AIS equipment. Given the important maritime safety and homeland security benefits of AIS, the timely and widespread implementation of AIS should be encouraged and facilitated. By codifying and giving effect to the new AIS equipment certification requirements prior to the July 1, 2004 compliance deadline, or as soon thereafter as possible, we would provide both the maritime community and manufacturers of AIS equipment with a measure of certainty as to what is required of them in order to comply with both the Commission and the Coast Guard requirements pertaining to AIS. In addition to providing clear guidance to those subject to an AIS mandatory carriage obligation, the establishment of codified standards for AIS equipment should also provide a spur to voluntary carriage of AIS equipment by, for example, recreational boaters. This is an important consideration because AIS is increasingly effective as more vessels participate in AIS.

4. We determine here to exercise our discretion under Section 1.108 of the Commission's Rules¹⁰ to reconsider on our own motion the decision in the *GMDSS Second Report and Order* to make the rules adopted therein effective sixty days after publication in the Federal Register. For the reasons discussed above, we believe there is good cause to accelerate the effective date of the rules adopted in the *GMDSS Second Report and Order* governing certification of AIS equipment, in an effort to have them in effect by the July 1, 2004 AIS carriage deadline, or as soon thereafter as is reasonably possible.¹¹

⁶ *Id.* The statute also authorizes the Coast Guard to exempt vessels from AIS carriage requirements and to issue waivers of those requirements.

⁷ See, e.g., 33 C.F.R. § 164.46.

⁸ Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, become subject to the AIS carriage requirement on July 1, 2004. See 33 C.F.R. § 164.46(a)(2)(iii).

⁹ See Applications for Equipment Authorization of Universal Shipborne Automatic Identification Systems to be Coordinated with U.S. Coast Guard to Ensure Homeland Security, *Public Notice*, 17 FCC Rcd 11983 (OET 2002) (indicating that, during the pendency of the rulemaking proceeding in which certification requirements for AIS equipment are under consideration, "the FCC Laboratory will coordinate review of applications for certification of AIS equipment with the United States Coast Guard to ensure that the equipment meets all applicable international standards and requirements").

¹⁰ 47 C.F.R. § 1.108.

¹¹ We are accelerating the effective date only for the rules pertaining to certification of AIS equipment, *i.e.*, Sections 80.275 and 80.1101(c)(12). As before, the other rules adopted in the *GMDSS Second Report and Order* will take effect sixty days after Federal Register publication.

Accordingly, we hereby order that the rules governing certification of AIS equipment adopted in the *GMDSS Second Report and Order* are to take effect immediately upon publication in the Federal Register. The new effective date will be specified in the Federal Register summary of the *GMDSS Second Report and Order*.

5. Accordingly, IT IS ORDERED that, pursuant to the authority of Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.108 of the Commission's Rules, 47 C.F.R. § 1.108, and upon reconsideration by the Commission *sua sponte*, that the adoption of new Sections 80.275 and 80.1101(c)(12) of the Commission's Rules, 47 C.F.R. § 80.275, 80.1101(c)(12), in the *Second Report and Order*, *Sixth Report and Order*, and *Second Further Notice of Proposed Rule Making*, WT Docket No. 00-48, PR Docket No. 92-257, FCC 04-3, shall be effective upon publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary