

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

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

**COMMENTS OF THE
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**

The National Telecommunications and Information Administration (NTIA), an Executive Branch agency within the Department of Commerce, is the President's principal adviser on domestic and international telecommunications policy, including policies relating to the nation's economic and technological advancement in telecommunications. NTIA is also responsible for managing the federal government use of the radio frequency spectrum. NTIA, in coordination with the United States Coast Guard (Coast Guard), submits these comments in response to the Federal Communications Commission's (Commission) Third Further Notice of Proposed Rule Making (*Third Notice*) in the above-captioned proceeding.¹

1. Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rule Making*, WT Docket No. 00-48, ___ FCC Rcd ___ (Rel. Sept. 8, 2006) (*Third Notice*); A summary of this *Third Notice* was published at 71 *Fed. Reg.* 65447 (Nov. 8, 2006). References herein to the *Third Notice* are to paragraphs in the full document.

I. INTRODUCTION

NTIA commends the Commission for proposing these very important rules relating to the Global Maritime Distress and Safety System (GMDSS) and general maritime communications as these provisions are essential for both general maritime communications and for protecting the safety of life and property in and around our nation's waterways. As explained more fully below, in accordance with the proposals set forth by the Commission, NTIA believes that the Commission should: (A) cease authorizing Inmarsat-E emergency position indicating radiobeacons (EPIRBs) due to Inmarsat's cessation of service; (B) require Global Positioning System (GPS) capability in Very High Frequency (VHF) Digital Selective Calling (DSC) handheld units, but only after resolution of specific issues and further expedited rulemaking; (C) require the carriage of a VHF handheld marine radio transceiver on all small passenger vessels that do not have a reserve power supply; (D) delay making any maritime spectrum available for ship station facsimile communications, or transmission of data, at this time; (E) remove the limitation on the number of frequencies that may be assigned to any particular private coast station so long as coordination and sharing is continued; (F) adopt the international standards for radar as proposed by the Radio Technical Commission for Maritime Services (RTCM);² and, (G) add a provision clarifying that GMDSS vessels subject to Subpart W are required to regularly test GMDSS radiotelephone equipment and log those tests.

2. The RTCM is a non-profit organization whose objectives include studying and preparing reports on maritime telecommunication practices, needs and technologies with a view toward improving the efficiency and capabilities of maritime telecommunications services, suggesting ways to keep rules and regulations to the minimum essential for effective maritime telecommunications and making recommendations on important issues involving maritime telecommunications.

II. DISCUSSION

A. Prohibition of Inmarsat-E EPIRBs.

As the Commission noted, Inmarsat decided to stop providing Inmarsat-E EPIRB service as of December 1, 2006.³ Because there will no longer be any Inmarsat-E EPIRB service available, NTIA endorses the Commission's proposal to amend the relevant Part 80 rules in order to prohibit any further certification, manufacture, importation, or installation of Inmarsat-E EPIRBs. Such action is necessary not only for the obvious reason that service is no longer available, but also to protect consumers from potentially purchasing and installing equipment that will not be usable.

B. GPS Requirement for VHF/DSC Handheld Equipment.

As noted in the *Third Notice*, the Coast Guard recommended that VHF handheld radios fitted with DSC include an integral GPS capability.⁴ NTIA endorses this recommendation, and firmly believes that the safety benefits derived from an integrated VHF/DSC/GPS radio as specified in the *Third Notice* far outweigh the minimal cost associated with making the GPS capability integral to the VHF/DSC radio. However, NTIA understands, as explained by RTCM in its Comments in this proceeding, that experience has demonstrated mere GPS functionality, without relevant performance standards, may lead to disappointing results. NTIA concurs with this RTCM position and would therefore recommend that the Commission not institute such a requirement at this time. Rather, NTIA recommends that the Commission allow RTCM to complete its performance standards and, at that time, institute a Further Notice of Proposed Rule

3. *Third Notice* at ¶ 68.

4. *Id.* at ¶ 69.

Making, on an expedited basis, soliciting public comments on the standards proposed by RTCM and the requirement for VHF/DSC/GPS radios.

C. Carriage Requirements For Small Passenger Vessels.

The Commission is requesting comment on whether to impose a requirement for carriage of at least one VHF handheld marine radio transceiver on any small passenger vessel that does not have a reserve power source.⁵ The Coast Guard strongly recommends that the Commission require small passenger vessels carry a fully operational VHF handheld radio transceiver when the vessels are not equipped with a reserve power supply.⁶ NTIA believes that a carriage requirement could significantly improve communications during emergency situations such as search and rescue operations and recommends that the Commission take the Coast Guard comments into consideration in addressing this issue.

D. Ship Station Facsimile Frequencies/Transmission on Voice Channels.

NTIA certainly appreciates the Commission's inquiry into whether maritime voice frequencies are necessary for the transmission of maritime facsimile or data communications.⁷ At this time, however, NTIA does not believe there is a need to allot additional maritime frequencies from existing voice frequencies for ship station facsimile or marine data communications use. Existing voice channels, which are heavily used in high traffic areas, provide necessary capacity for essential voice communications. Any reduction in the availability of voice channels could cause serious problems and jeopardize the safety of life and property in and around our nation's waterways.

5. *Id.* at ¶ 71.

6. *See* Attachment, Letter from Joseph D. Hersey, Jr., Chief, Spectrum Management Division By Direction of the Commandant to Fredrick R. Wentland, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration (January 7, 2007).

7. *Third Notice* at ¶ 72.

Notwithstanding the foregoing, NTIA recognizes that there is an increased demand for maritime data communications, and there must be some way to satisfy this demand. NTIA is aware that the Coast Guard is currently participating in an RTCM Special Committee (SC 123) that is working on a standard to use the “white space” on maritime voice channels to transmit data. Preliminary analyses indicate that current technology can accommodate the data communications without disturbing existing voice communications on maritime channels. As soon as RTCM develops standards for maritime data communications, that information will be brought to the Commission for consideration and further rule making. Accordingly, the Commission should wait for the results of RTCM SC 123 before allocating frequencies for maritime facsimile and data transmissions.

E. Private Coast Station Frequencies.

NTIA supports the proposal to amend Section 80.115 of the Commission’s rules to remove the limit on the number of frequencies that may be assigned to public coast stations or marine utility stations.⁸ Because the Commission’s rules provide that these frequencies are licensed on a shared, non-exclusive basis, it appears that eliminating the limit on the number of frequencies that can be assigned would serve the public interest by making more frequencies available for the maritime community, and relieving the Commission from the unnecessary administrative burden on reviewing and acting upon justification requests.

F. Radar Standards.

In response to the Commission’s inquiry into applicable standards for radar installed on ships, because the maritime radio services are international in character, NTIA believes that Commission radar standards should incorporate the International Maritime Organization and

8. *Id.* at ¶ 73; *See* 47 C.F.R. Section 80.115(a)(1).

International Electrotechnical Commission radar standards.⁹ Because of the international character of the equipment, it is not believed that adoption of the international standards would create any significant compliance or cost burdens on affected entities. Furthermore, the adoption of international radar standards would assist in harmonizing radar standards which will inure to the benefit of maritime entities.

G. Testing of GMDSS Radio Equipment.

NTIA endorses the Commission's proposal to add a rule provision to Subpart W of Part 80 to clarify that vessels subject to the Subpart W GMDSS requirements are required to test their radiotelephone equipment on a daily basis.¹⁰ Testing can be accomplished through a "built-in" test available with some equipment or, if not so equipped, testing can be accomplished through communication with a shore or ship station.

It must be noted, however, that not all GMDSS equipment should be tested daily. This is based on the fact that some equipment would experience excessive power requirements and essentially drain batteries if testing were done daily, and some equipment is simply difficult to access. Accordingly, NTIA proposes that the following GMDSS equipment should be exempt from daily testing: (1) handheld sealed lifeboat radios; (2) EPIRBs; (3) Automatic Identification System (AIS) Search and Rescue Transponders (SARTS); and, (4) Radar SARTS. NTIA proposes that the Commission require that these four GMDSS devices be tested on a monthly basis.

9. *Third Notice* at ¶ 74.

10. *Id.* at ¶ 75.

Finally, whether GMDSS equipment is required to be tested on a daily, or monthly, basis, the results of the testing must be entered into the ship's radio log, and should be available for inspection.

III. CONCLUSION

NTIA hereby submits the foregoing comments and requests the Commission to take action consistent with the views expressed herein.

Respectfully submitted,

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January 25, 2007

U.S. Department of
Homeland Security

United States
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January 7, 2007

Mr. Fredrick R Wentland
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14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Federal Communications Commission's *Further Notice of Proposed Rule Making* In the Matter of Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, 71 *Fed. Reg.* 65447 (Nov. 8, 2006), WT Docket No. 00-48

Dear Mr. Wentland:

The United States Coast Guard ("USCG" or "Coast Guard") has reviewed the above-referenced *Further Notice of Proposed Rule Making* concerning the Amendment of Parts 13 and 80 of the Federal Communications Commission's Rules Concerning Maritime Communications (*Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rule Making*, WT Docket No. 00-48, ___ FCC Rcd ___ (Rel. Sep. 8, 2006); 71 *Fed. Reg.* 65447 (Nov. 8, 2006)) and, for the most part, supports of the Commission's proposals. In response to the questions raised by the Commission in the *Notice of Proposed Rule Making*, the USCG believes that the Commission should: (A) cease authorizing Inmarsat-E emergency position indicating radiobeacons due to Inmarsat's cessation of service; (B) require Global Positioning System (GPS) capability in VHF/DSC handheld units only after resolution of specific issues and further expedited rulemaking; (C) require the carriage of a VHF handheld marine radio transceiver on all small passenger vessels that do not have a reserve power supply; (D) delay making any maritime spectrum available for ship station facsimile communications, or transmission of data, at this time; (E) remove the limitation on the number of frequencies that may be assigned to any particular private coast station so long as coordination and sharing is continued; (F) adopt the international standards for radar as proposed by the Radio Technical Commission for Maritime Services (RTCM); and, (G) add a provision clarifying that GMDSS vessels subject to Subpart W are required to regularly test GMDSS radiotelephone equipment and log those tests.

We understand that, with one exception, NTIA will address, in formal comments submitted to the Commission, the above issues. The exception relates to (C) above, requiring the carriage of a VHF handheld marine radio transceiver on all small passenger vessels that do not have a reserve power supply. The USCG therefore wanted to set forth its position on this issue for your consideration. The USCG strongly endorses the proposal to require that small passenger vessels be required to carry a fully operational VHF handheld radio transceiver when those vessels are not equipped with a reserve power supply. Any vessel can experience problems with its power supply, and the majority of problems are experienced during an emergency situation such as a

fire or taking on water. It is during these situations that communications for search and rescue are essential. If the only means of communications rely on vessel power supply, and that power supply is interrupted, communications will be impossible if there is no reserve power supply. Carrying a handheld VHF radio with a self-contained power source enables communications for emergency, and search and rescue purposes, even if the vessel's power supply is compromised. Risking the lives of up to 150 passengers because the vessel is not carrying a handheld radio, which the Commission notes can cost less than fifty dollars, is ludicrous. It is beyond dispute that the safety benefits derived from a fifty-dollar radio far outweigh the minimal cost associated with purchasing, carrying, and keeping a handheld radio operational.

Please let us know if you have any questions concerning this matter.

Sincerely,



JOSEPH D. HERSEY, Jr.
Chief, Spectrum Management Division
By Direction of the Commandant