



July 02, 2004

Alexander Roytblat
FCC WRC-07 Director
Federal Communications Commission
Room 6-A865
445 12th Street, SW
Washington, DC 20554

Via e-mail to wrc07@fcc.gov

Re: DA 04-1698, WRC-07 Agenda Item 1.14

Dear Mr. Roytblat,

The purpose of this letter, pursuant to the invitation extended by the Federal Communications Commission ("FCC" or "Commission") in the above referenced Public Notice^{1/}, is to provide you with the feedback of MariTEL, Inc. with respect to the preliminary view of the Executive Branch to the 2007 World Radiocommunication Conference (WRC-2007) item 1.14.^{2/}

Agenda item 1.14 addresses, among other things, potential changes to Appendix 18 of the Radio Regulations ("Appendix 18") to reflect the use of new technologies in the VHF marine band and evaluate future uses of Public Correspondence VHF channels in light of the worldwide decline of VHF public correspondence services. In 1999 and again in 2001, MariTEL actively participated in the FCC's auctions of VPC station licenses^{3/}. As a result, MariTEL is the licensee of the VPC spectrum covering the majority of the United States^{4/} and is actively involved in the development and marketing of both marine and land based communications solutions using that spectrum. Therefore, MariTEL has a vested interest in the U.S. preliminary views for WRC-2007 regarding agenda item 1.14.

MariTEL notes that the National Telecommunications and Information Administration ("NTIA"), which expresses the view of the Executive Branch, has no authorization over a significant portion of the maritime VHF spectrum. NTIA's comments with respect to new

^{1/} *The FCC's Advisory Committee for the 2007 World Radiocommunication Conference Proposes Preliminary Views on WRC-07 Issues*, DA04-1698, rel. June 14, 2004 ("WRC-2007 PN")

^{2/} See Letter from Fredrick R. Wentland to Donald Abelson, dated May 28, 2004, included the WRC-2007 PN at pages 39,42 and 43.

^{3/} "FCC Announces the Conditional Grant of 26 VHF Public Coast Station Licenses," Public Notice, DA 99-195, 1999 FCC LEXIS 2251 (rel. May 21, 1999) (announcing that MariTEL was the winning bidder of nine VHF public coast licenses); "VHF Public Coast and Location and Monitoring Service Spectrum Auction Closes: Winning Bidders Announced," Public Notice, DA 01-1443 (rel. June 15, 2001) (announcing that MariTEL was the winning bidder of seven inland VPC licenses).

^{4/} MariTEL's licensed service areas cover roughly 2/3 of the continental land mass and eighty percent of the U.S. population.



technologies in Appendix 18 applies to eighteen^{5/} discrete frequencies that are available in the U.S. for maritime use. However, twelve of these eighteen channels (or two thirds of the frequencies) are licensed exclusively^{6/} to MariTEL by the FCC throughout all U.S. maritime areas. As such, MariTEL's licensed spectrum is not subject to NTIA oversight. It is, therefore, presumptuous of NTIA to urge the adoption new technologies for Appendix 18 when the majority of channels designated thereunder are licensed to MariTEL for commercial purposes. To the contrary, the U.S. should not advocate any position internationally that would negatively impact one of its FCC authorized licensees. Instead, MariTEL requests the addition of a footnote to Appendix S18 that clarifies that when administrations, like the US, licenses Appendix 18 channels for commercial use, inconsistent provisions of the Radio Regulations (that, for example, envision the use of the channels for marine safety, navigation and other purposes) shall not apply.

As a practical matter, MariTEL is in the process of developing and deploying wireless data technologies in its licensed band that are scheduled for widespread deployment prior to WRC-07. MariTEL welcomes the opportunity to evaluate any future use of its licensed spectrum for "world wide interoperable digital technology that is adaptable to the maritime mobile service." However, the use of such technology, on MariTEL's licensed channels, will be based solely on its commercial value to MariTEL. Consequentially, MariTEL encourages the WRC-07 Advisory Committee to insure that designation of Safety-of-Life at sea or other non-commercial worldwide applications are limited to Appendix 18 channels not licensed to MariTEL's commercial use in the US.

Because MariTEL is licensed for a significant portion of the maritime VHF spectrum identified in Appendix 18, we are anxious to participate in the WRC-07 Advisory Committee process and ask that you contact me at your earliest convenience to arrange for our participation directly in the pertinent working groups.

Sincerely,

A handwritten signature in black ink that reads "Dan Smith".

Dan Smith
President & CEO

^{5/} Channels 63A, 82A, 23A, 83A, 5A and 65A are licensed to others. Channels 24A, 24B, 25A, 25B, 26A, 26B, 84A, 84B, 85A, 85B, 86A and 86B are licensed to MariTEL.

^{6/} Prior to auction, the FCC granted fixed site-specific licenses for public coast station's to provide commercial mobile radio services to stations on land and water.