



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON
MARITEL, INC. PETITION FOR DECLARATORY RULING REGARDING THE USE OF
MARITIME VHF CHANNEL 88**

Comment Date: July 21, 2003

Reply Date: July 28, 2003

On April 4, 2003, MariTEL, Inc. (Maritel) filed a petition for declaratory ruling regarding the use of VHF maritime channel 88 (157.425/162.025 MHz) in certain areas within 75 miles of the U.S.-Canada border.¹ Specifically, Maritel seeks a ruling that it holds the exclusive right in the United States to operate the paired frequencies in those areas, subject only to coordination with the government of Canada.

By way of background, footnote US223 to the Table of Frequency Allocations states, "Within 75 miles of the of the United States/Canada border on the Great Lakes, the St. Lawrence Seaway, and the Strait of Juan de Fuca and its approaches, use of coast transmit frequency 162.025 MHz and ship station transmit frequency 157.425 MHz (VHF maritime mobile service channel 88) may be authorized for use by the maritime service for public correspondence." 47 C.F.R. § 2.106 n.US223; *see also* 47 C.F.R. § 80.371(c)(1)(i) n.3. Elsewhere, however, the Table of Frequency Allocations includes frequency 162.025 MHz as part of a primary Federal Government fixed and mobile allocation band.² Maritel, a VHF public coast station licensee that acquired licenses for VHF channel 88 at auction, contends that footnote US223 reflects the Commission's intention to make Channel 88 available exclusively for public coast station use in the Great Lakes, the St. Lawrence Seaway, and Puget Sound and the Strait of Juan de Fuca and its approaches, subject only to coordination with the Canadian government.³ Maritel notes, however, that the United States Coast Guard has maintained that Maritel's use of channel 88 in the identified areas is subject to use by the Coast Guard and the U.S. Government generally. Maritel accordingly seeks clarification from the Commission on this point.⁴

Interested parties may file comments on Maritel's petition on or before July 21, 2003. Parties interested in submitting reply comments must do so on or before July 28, 2003. All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the

¹ Maritel, Inc. Petition for Declaratory Ruling (filed Apr. 4, 2003) (*Maritel Petition*).

² The frequency 162.025 MHz falls within the 162.0125-173.2 MHz band allocated to the Federal Government in the Table of Frequency Allocations. Footnote G5 states that this frequency band is allocated to government non-military agencies. 47 C.F.R. § 2.106 n.G5.

³ *Maritel Petition* at 3.

⁴ *Id.* at 4.

Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.⁵ A copy of each filing also should be sent to 1) Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; 2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center (RIC), 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554; 3) Tim Maguire, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 4-C342, Washington, D.C. 20554; and 4) Jeffrey Tobias, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 2-C828, Washington, D.C. 20554;

The *Maritel Petition* and responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Tim Maguire or Jeffrey Tobias of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0680, TTY (202) 418-7233 or via email to tmaguire@fcc.gov or jtobias@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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⁵ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).