

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street 11th floor
Arlington VA 22209
703-812-0400 (voice)
703-812-0486 (fax)

MITCHELL LAZARUS
703-812-0440
LAZARUS@FHHLAW.COM

December 6, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: IB Docket No. 02-10, *Earth Station Vessels*

Dear Ms. Dortch:

On behalf of the Fixed Wireless Communications Coalition (FWCC) and pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am electronically filing this notice of an oral *ex parte* communication.

On Friday, December 3, Robert Gurs of the Association of Public-Safety Communications Officials, International, Brett Kilbourne of United Telecom Counsel, Randy Young representing the American Petroleum Institute, and I, all on behalf of the FWCC, met with Jennifer Manner of Commissioner Abernathy's office on issues in the above-referenced docket.

A copy of our presentation is attached. We emphasized the need for mechanisms to ensure that ESVs operate in accordance with their frequency coordination parameters, and to discourage ESVs from coordinating excessive spectrum over wide geographic areas.

Please call with any questions.

Respectfully submitted,

Mitchell Lazarus
Counsel for the Fixed Wireless
Communications Coalition

cc: Jennifer Manner



Voice of the Fixed Services Community

Earth Station Vessels IB Docket No. 02-10

Fixed Wireless Communications Coalition

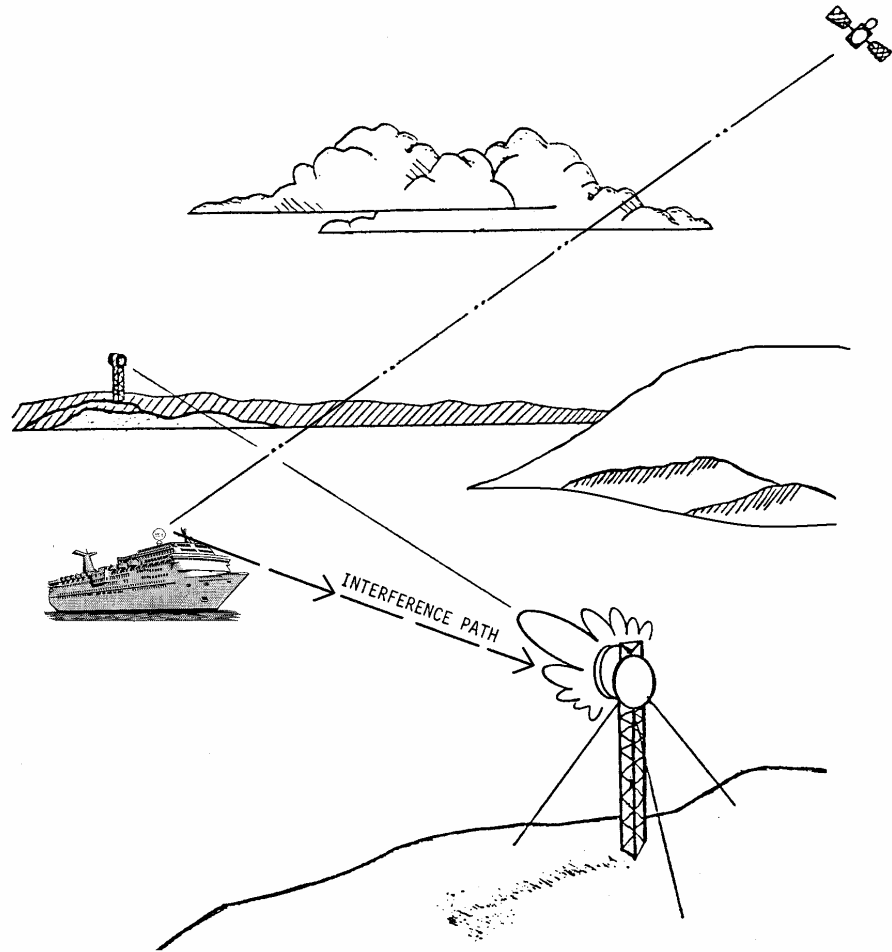
December 3 & 7, 2004

Contact:

Mitchell Lazarus | 703-812-0440 | lazarus@fhhlaw.com



ESV / Fixed Service Sharing



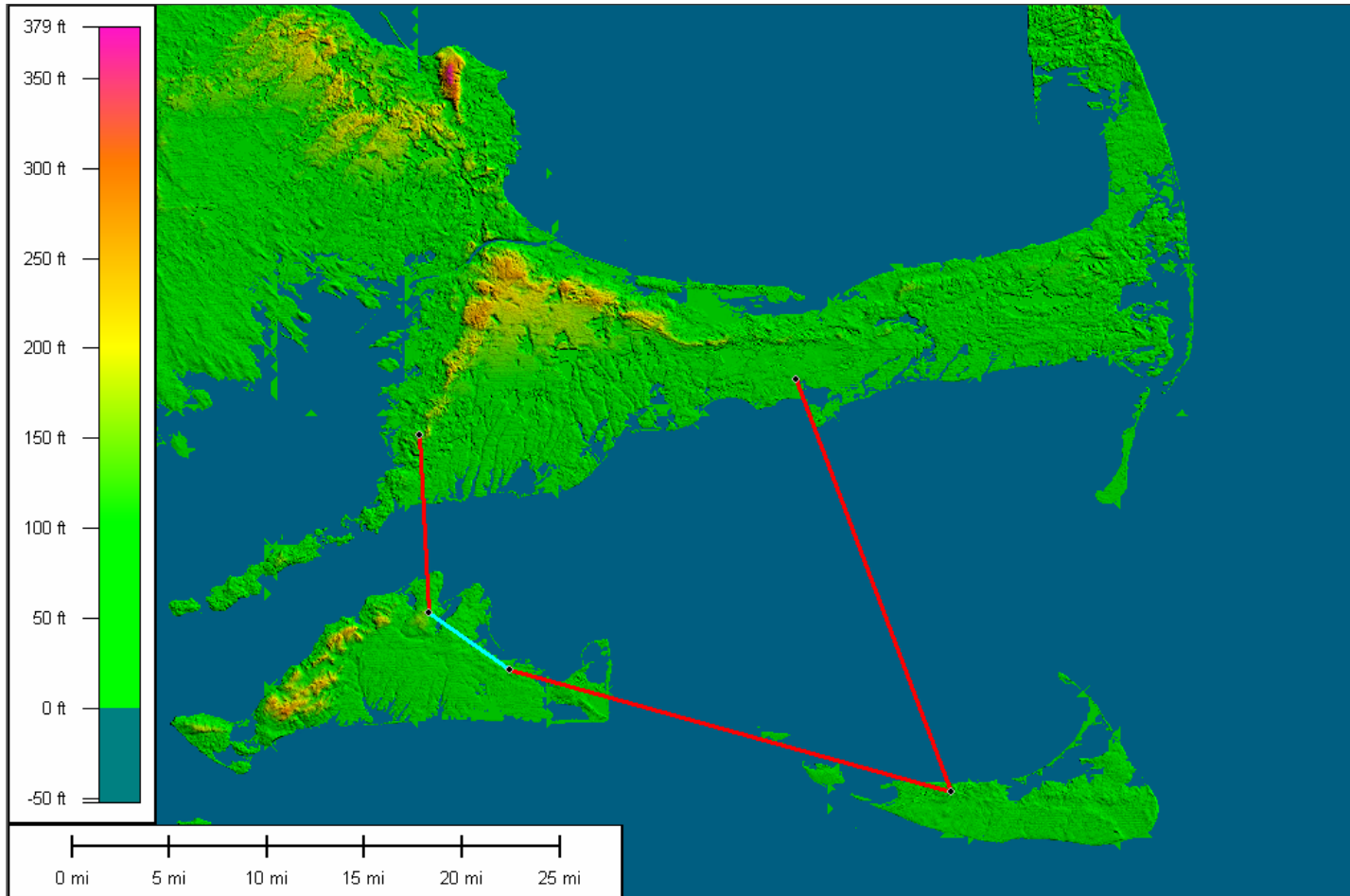


Central Issues

- Do ESVs threaten interference to the 6 GHz Fixed Service?
 - Yes
- Which industry bears the burden of interference?
 - Incoming services should have to protect established incumbents.

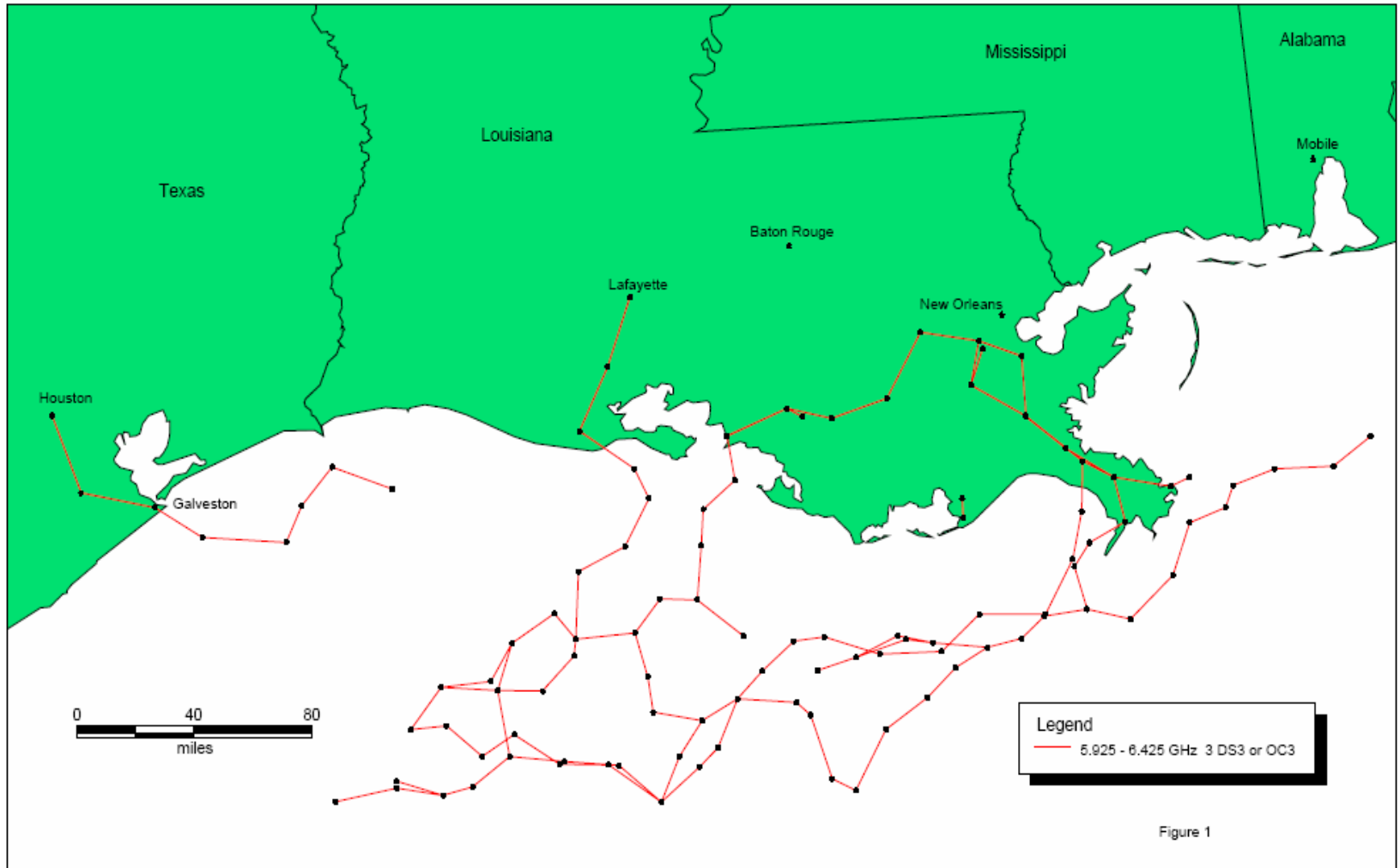


Coastal Fixed Service -- 1





Coastal Fixed Service -- 2





Fixed Service at 6 GHz

- Widely used nationwide, including port and coastal sites
- Critical applications:
 - public safety (backhauling police and fire dispatch)
 - coordinating railroad trains
 - controlling natural gas and oil pipelines
 - regulating the electric grid
 - backhauling wireless telephone traffic
- Many applications require 99.999% availability
 - some meet 99.9999% (less than 30 sec. total outage per year).



Do ESVs Cause Interference?

- ▶ **ESV claims of “no proven interference” reflect only non-cooperation by ESV operators.**
- Coastal Fixed Service stations experience unexplained outages
 - many are transient, possibly from ESV operation
 - but ESV operators refuse to provide data needed to confirm
- ▶ **ESV “analysis” of interference makes fundamental mistakes about the Fixed Service**
 - e.g., Broadband Maritime says the Fixed Service uses 3 foot antennas, not 8 foot (filed Nov. 18, 2004)
 - *in fact* 3 foot antennas violate FCC rules; 8 foot antennas and larger are commonplace.



Needed Measures

1. Frequency coordination
 - *i.e.*, database check to ensure ESVs on a particular route will not interfere
 - required for all Fixed Service stations and fixed satellite earth stations
2. Compliance with coordination parameters
 - *e.g.* automatic shut off if ship leaves route
3. Means to identify sources of ESV interference
 - real time access to itinerary and frequencies
4. Restrict widespread ESV proliferation
 - limit ESV satellites and frequencies
 - limit ESVs to deep draft vessels (5,000 gross tons).



Non-Coordinated ESVs Will Interfere

- ESV providers oppose coordination, seek “non interference” operation, subject to safeguards
 - but the safeguards will not prevent interference
 - at best they may help to identify an interfering ESV *only after interference occurs*
- This improperly shifts the interference burden to the Fixed Service
- **ESV operators may have to accept non-optimal conditions in exchange for entering a crowded band.**



Conclusion

- As the incoming technology, ESVs must protect the Fixed Service.
- Coordination is necessary but not sufficient.
 - ESVs must shut off automatically when away from coordinated routes
 - ESV operators must provide itineraries and frequencies
 - ESVs should be limited to needed frequencies and to vessels of 5,000 gross tons
- ▶ **Nothing less will protect vitally needed Fixed Service operations.**



Voice of the Fixed Services Community

Thank you!

Fixed Wireless Communications Coalition

Mitchell Lazarus

703-812-0440

lazarus@fhhlaw.com

www.fhhlaw.com