

DEC 19 1997

Federal Communications Commission
Office of Secretary

December 19, 1997

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

ATTN: Mr. Douglas Young
Experimental Licensing Branch
New Technology Development Division
Office of Engineering and Technology

Re: Maritime Telecommunications Network, Inc.
Petition for Partial Reconsideration
File No. 5633-EX-PL-97

Dear Ms. Salas:

On behalf of Maritime Telecommunications Network, Inc. ("MTN"), and pursuant to Section 1.106 of the Commission's rules, transmitted herewith are an original and four copies of a Petition for Partial Reconsideration of the Experimental Licensing Branch's decision in the above-referenced proceeding. The Branch's decision granted in part MTN's application for modification of an experimental license. Please date-stamp the enclosed extra copy and return it in the enclosed envelope.

Should you have any questions with respect to this matter, please do not hesitate to call.

Very truly yours,



Helen E. Disenhaus
Nancy Killien Spooner

cc: Steve B. Sharkey

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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Maritime Telecommunications Network, Inc.)	File No. 5633-EX-PL-97
Application for Modification to)	
Experimental License Authorization,)	
Call Sign KI2XEE)	
_____)	

To: Chief, Experimental Licensing Branch
New Technology Development Division
Office of Engineering and Technology

PETITION FOR PARTIAL RECONSIDERATION

Maritime Telecommunications Network, Inc. ("MTN"), by its attorneys, and pursuant to Section 1.106 of the Federal Communications Commission's ("FCC's" or "Commission's") Rules, 47 C.F.R § 1.106 (1997), hereby submits this Petition for Partial Reconsideration of the Experimental Licensing Branch's partial grant of MTN's request to modify its experimental authority. The partial grant, issued in the above-captioned proceeding on November 21, 1997 (see Attachment A), permits MTN's experimental use of shipboard earth stations ("SESs") to continue on 45 ships. MTN respectfully requests that the Experimental Licensing Branch reconsider its partial grant, and instead grant MTN's request in full to expand its experimental authorization to permit SES operations on 250 ships. In support hereof, the following is respectfully shown:

Background

MTN is currently authorized under an experimental license, call sign KI2XEE, to operate 45 shipboard terminals on various vessels, including U.S. Navy ships. On January 24, 1997, MTN filed an Application for Modified Radio Station Authorization ("Application"), FCC File No. 5633-EX-

MR-97, to provide private line mobile and fixed services on a non-common carrier basis between various ships and certain terrestrial satellite stations in the fixed-satellite service using the 4/6 GHz frequency bands ("the C band"), on up to 250 ships. MTN amended its Application on July 25, 1997, in order to provide additional requested information to the Commission with respect to MTN's current and proposed operations. The Experimental Licensing Branch of the FCC subsequently granted MTN's Application in part on November 21, 1997, authorizing MTN to continue operations on 45 ships. However, the FCC did not grant MTN's request for authorization to increase the number of ship terminals to 250 ships "because of an objection by the International Bureau" of the FCC.

While MTN's application was pending before the Experimental Licensing Branch, on November 20, 1997, the U.S. delegation to the 1997 World Radio Conference ("WRC") in Geneva successfully moved to have primary allocation of SES operations in the C band placed on the WRC agenda for 1999. As a result, MTN and other interested parties are expected to demonstrate the technical feasibility and merits of the use the C band for SES transmissions, including data establishing that SES operations do not cause harmful interference to terrestrial fixed microwave services. In order to establish that terrestrial carriers will not be subject to harmful interference by more widespread use of SESs, MTN requires expanded experimental authority to operate 250 ships. MTN now files the instant Petition for Reconsideration of the Commission's partial grant of MTN's Application requesting expansion of its authorization.

Discussion

MTN has conducted SES operations in conjunction with highly successful Navy maritime communications programs for the last five years. MTN's provision of broadband shipboard satellite

service has both substantially enhanced the command and control capabilities of the U.S. Navy ships utilizing SES equipment and augmented the morale and welfare of U.S. Navy personnel on SES-equipped ships by permitting U.S. Navy personnel to call home. Continued authorization of SESs has permitted the Navy to benefit from commercial off-the-shelf technology through the purchase of service from a duly authorized commercial vendor, providing substantial savings to the U.S. Department of Defense.

MTN has demonstrated to the Commission in previous filings that there have been no reports of harmful interference due to MTN's SES operations. MTN has undertaken the development and utilization of innovative and effective frequency coordination procedures to establish its record of non-interference. In addition, as MTN has previously represented to the Commission, MTN is committed to working with the National Spectrum Management Association, as well as other interested parties, to prevent interference to terrestrial microwave stations. MTN is also committed to eliminating any harmful interference should MTN be notified that such conditions have occurred. In light of the lack of reports of interference, and MTN's demonstrated commitment to eliminating or resolving interference issues, MTN is highly confident that it will continue its operations without any adverse effects to fixed service providers, pursuant to expanded experimental authority to operate 250 SESs.

Despite MTN's continued interference-free provision of SES services on 45 ships, such operations are insufficient for MTN to create a more complete record of non-interference. The establishment of such a record is particularly crucial in light of the 1999 WRC agenda, which will formally consider whether SESs should be allocated primary status in the C band. In order for MTN to demonstrate that it can continue to provide robust and full-featured SES services without causing

harmful interference when its shipboard systems are fully implemented, MTN must be able to establish that it can operate additional SES terminals without causing interference with terrestrial microwave systems. In addition, MTN's options for securing authority to test SES operations are limited to obtaining experimental authority from the Office of Engineering and Technology, because the Commission recently eliminated its rules for issuing developmental authority for satellite communications under Part 25 of the FCC's Rules.¹

To that end, MTN must operate a greater number of SES terminals than currently authorized, and must obtain an expansion of its experimental authority in order to conduct its tests. Indeed, given that MTN has operated and continues to operate 45 SES terminals successfully, the Experimental Licensing Branch's partial grant contributes little to MTN's attempt to demonstrate non-interfering SES operations on a wider scale. Moreover, MTN understands from the International Bureau that it will support the expansion of MTN's experimental authority from 45 ships to 250 ships in conjunction with approval of other related applications filed with the International Bureau. Accordingly, MTN respectfully requests that the Commission expand the number of SES terminals MTN may operate to 250 ships to permit the establishment of a record for the 1999 WRC agenda.

¹ See *Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures, Report & Order*, 11 FCC Rcd 21581 (1996), where the FCC stated that "a developmental authorization appears tantamount to an experimental authority issued by . . . OET. . . . [A] better and more consistent policy would result by having a single office handle all such requests." *Id.* at ¶ 51.

Conclusion

In light of MTN's interference-free record of SES operations, its full commitment to eliminating any harmful interference, and its need to establish to a more complete record of non-interference for the 1999 WRC, an increase in the number of authorized experimental SESs is warranted. Such an increase will allow MTN to better demonstrate its ability to provide a useful and needed service. Accordingly, for the foregoing reasons, MTN respectfully requests that the Experimental Licensing Branch of the FCC reconsider its decision to grant MTN's Application in part, and to grant the instant Petition for Reconsideration to expand MTN's experimental authority to allow operation of 250 SES terminals.

Respectfully submitted,

Maritime Telecommunications Network, Inc.

By: Nancy Killien Spooner
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Dated: December 19, 1997