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September 5, 2000

David Solomon, Chief  
Enforcement Bureau  
Federal Communications Commission  
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Washington, D.C. 20554

Dale Hatfield, Chief  
Office of Engineering and Technology  
Federal Communications Commission  
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Washington, D.C. 20554

Donald Abelson, Chief  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. - Room 6-C750  
Washington, D.C. 20554

Re: MTN Experimental License and Special Temporary Authorization

Gentlemen:

We are writing to each of you because of an apparent violation by Maritime Telecommunications Network ("MTN") of the terms and conditions of the Experimental License<sup>1</sup> and Special Temporary Authority ("STA")<sup>2</sup> issued, respectively, by the Office of Engineering and Technology ("OET") and the International Bureau ("IB"). The two authorizations allow MTN, on an experimental and temporary basis, to provide

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<sup>1</sup> FCC File No. 0100-EX-RR-1999.

<sup>2</sup> IB File No. SRD-0307.

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communications satellite service to mobile earth stations on board vessels ("ESVs"), using frequencies allocated to the Fixed Satellite Service (FSS) and the terrestrial Fixed Service (FS). Our interest in this matter arises from our representation of entities that operate point-to-point digital microwave relay stations in the terrestrial Fixed Service, using the same band (5925-6425 MHz) in which MTN is experimenting with ESVs.<sup>3</sup>

In order to protect terrestrial Fixed Service stations in coastal areas from a proliferation of mobile co-frequency interference sources aboard vessels, there is a limiting condition in the Experimental License and the STA whereby MTN is permitted to provide these services to no more than 45 vessels. We have been advised by the IB staff that the 45-vessel limitation is not cumulative; in other words, MTN is not permitted to operate 45 ESVs pursuant to the STA and another 45 ESVs pursuant to the experimental license.

It is important that this limitation remain in place until such time as studies are completed in the U.S. and ITU-R regarding the appropriate interference criteria to be used in protecting terrestrial FS stations. In this regard, it has recently come to our attention that MTN may be disregarding the Commission's 45-vessel limitation.

MTN recently disclosed that it is operating 33 ESVs pursuant to the STA and 40 ESVs pursuant to the Experimental License. See letter from MTN's attorneys to Mr. Charles J. Iseman, Chief of OET's Spectrum Policy Branch, dated July 12, 2000. This would appear to be in violation of the 45-vessel limit. In addition, MTN has recently announced in its promotional material on the Internet (see enclosed copy of MTN's current "Web Page") that it is providing service to over 110 vessels, including more than 80 cruise ships and over 30 energy vessels and U.S. Navy ships.<sup>4</sup>

We respectfully request that the Commission investigate this matter and take appropriate steps to monitor and enforce the conditions and limitations inherent in the authorizations issued to MTN by your agency. As a first step, we would recommend that the Commission require MTN to provide the names of all vessels equipped with

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<sup>3</sup> See Crescomm, 11 FCC Rcd 10944 (IB and OET, 1996).

<sup>4</sup> If it is MTN that is the operator of the ESVs aboard Navy ships, rather than the U.S. Navy itself, then the authority to operate those ESVs would have been issued by the FCC (as opposed to NTIA), and the Navy vessels would count against the 45-vessel limit imposed by the FCC.

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ESVs in the band 5925-6425 MHz and, for each such vessel, the date when operation commenced and the authority under which service is provided. We assume that no action will be taken on any pending MTN applications until this matter has been resolved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Keller". The script is fluid and cursive.

Thomas J. Keller

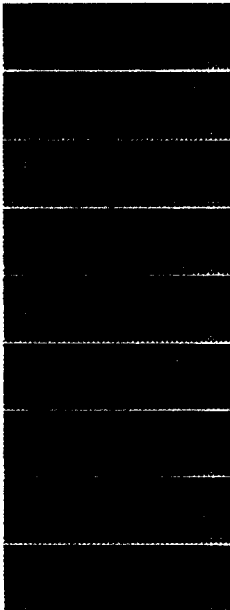
A handwritten signature in black ink, appearing to read "Julian Shepard". The script is fluid and cursive.

Julian Shepard

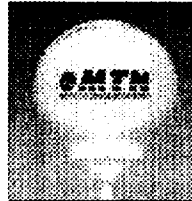
Enclosure



## About MTN



### About MTN >



**Maritime Telecommunications Network (MTN)** is the leader in maritime communications because we revolutionized the pricing structure of ship to shore communications. Keeping in touch while at sea has become convenient and affordable. MTN is delivering fax, data, Internet and video on the high seas, around the world. MTN services **80+ cruise ships**, more than 30 offshore energy vessels and US Navy ships.

#### MTN Provides:

- Private Network Solutions
- Passenger, Administrative & Crew Telephony Services
- Enhanced Revenue Bearing Services
- Full-time Dedicated Data Circuits
- Full-time Administrative Voice & Fax Services
- Fully Expandable & Configurable Solutions
- 24 hour monitor and control
- Engineering, equipment, total project management
- Onshore and offshore technicians

MTN provides total global satellite services including C-Band Global Satellite Service, KU-Band International Spot Beam and Regional Domestic Service, and Inmarsat Global Satellite Service.

MTN is owned by ATC Teleports, Inc, a wholly owned subsidiary of American Tower Corp (NYSE: AMT). ATC Teleports Inc. is a leading provider of domestic and international satellite and IP network services. The company owns and operates more than 115 antennas accessing most major satellite systems from U.S. teleport locations in California, New Jersey, Texas, and Washington, D.C. Pending transactions will add facilities in Arizona, Massachusetts and Washington state bringing the number of antennas to 160. ATC Teleports supplies terrestrial connections to major points of presence (POPs), co-location facilities and switching centers. It has 24x7 Technical Operations Centers located at all its major facilities. The teleports offer comprehensive networked solutions, including complete