

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Maritime Telecommunications) FCC File No. 5633-EX-PL-97
Network, Inc. Application for)
Modification to Experimental)
Authorization, Call Sign K12XEE)

OPPOSITION TO PETITION
FOR PARTIAL RECONSIDERATION

The Association of American Railroads ("AAR"), and Consortium Digital Microwave System ("CDMS"), by their attorneys, hereby jointly oppose the Petition for Partial Reconsideration filed by Maritime Telecommunications Network, Inc. ("MTN") on December 19, 1997. In support of this opposition, AAR and CDMS hereby state as follows:

1. AAR and CDMS, through their members, operate point-to-point microwave communication systems in the Fixed Service in the same frequency bands for which MTN seeks expansion of its experimental authorization, i.e., 5924-6425 MHZ, in the vicinity of the port and coast areas where MTN's customers operate ships equipped with MTN's shipboard earth stations ("SESS"). In this regard, AAR and CDMS have both filed petitions to deny MTN's 32 applications for permanent authority for "fixed"

SES operation at dockside locations in 17 port cities in the U.S.,^{1/} as well as Petitions to Deny MTN's pending application for renewal of its experimental authorization.^{2/} AAR and CDMS hereby incorporate by reference their petitions to deny the MTN applications for permanent authority and experimental renewal.

2. On July 25, 1997, MTN requested the Commission to expand its authority under its experimental license to permit operation of 250 SESs, an increase from the 45 SESs originally authorized. The Commission denied MTN's request on November 21, 1997, whereupon MTN filed a Petition for Partial Reconsideration on December 19, 1997. In its request for approval of its application for renewal of its experimental license filed on January 22, 1999, MTN reiterated its request that its pending Petition for Partial Reconsideration be considered favorably.^{3/} AAR and CDMS hereby respectfully oppose that request.

3. In its Petition for Partial Reconsideration, MTN repeatedly made the claim that its operations have not caused, and will not cause, harmful interference to terrestrial licensees, as follows:^{4/}

^{1/} AAR and CDMS Petitions to Deny, filed on December 18, 1998 and March 5, 1999 (File Nos. SES-LIC-19980911-01272, et al.)

^{2/} FCC File No. 0100-EX-RR-1999.

^{3/} The Commission has not provided public notice of MTN's pending Petition for Partial Reconsideration; and CDMS and AAR were not required to be served with copies of the Petition.

^{4/} MTN Petition for Partial Reconsideration at 3.

- MTN claims that “there have been no reports of harmful interference due to MTN’s SES operations.”
- MTN claims to have utilized “effective frequency coordination procedures to establish its record of non-interference.”
- MTN asserts that it is “committed to eliminating any harmful interference should MTN be notified that such conditions have occurred.”
- In light of the lack of reports of interference, MTN maintains that it is confident “that it will continue its operations without any adverse effects to fixed service providers.”
- MTN claims a record of “continued interference-free provision of SES services on 45 ships.”
- MTN states that it has operated and continues to operate 45 SES terminals “successfully.”

4. In support of its request for expansion of experimental authorization for SES terminals from 45 ships to 250 ships, MTN stated that, “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.”^{5/} To accomplish such a showing, according to MTN, it is necessary to equip more ships with SES terminals. MTN also

^{5/} Id at 4.

asserted that expansion of the number of terminals from 45 to 250 is necessary "in order to establish that terrestrial carriers will not be subject to harmful interference by more widespread use of SES," and that such a demonstration is necessary for purposes of "establishment of a record" for the agenda of WRC-2000.^{6/}

5. The circularity of MTN's position is apparent, and MTN's rationale in support of the increase in the number of authorized vessels is specious. If MTN believes it has sufficiently demonstrated the non-interfering nature of its proposed service on the basis of its operations to date, then any additional authorizations are wholly unnecessary. However, for the reasons set forth in the AAR and CDMS Petitions to Deny MTN's permanent authorizations and renewal of its existing experimental authority,^{7/} MTN's method of assessing interference is fundamentally flawed. MTN's assertion that it has not received any interference complaints is absolutely meaningless because it is very difficult as a practical matter for a fixed service operator to ascertain the precise source of an interfering signal from a transmitter in a fixed location; it is all the more difficult to identify an interfering source which is mobile; and it is virtually impossible to identify one of MTN's SES stations as an interfering source because MTN has refused to supply sufficient information to the fixed service community to enable identification and

^{6/} MTN Petition at 2, 4.

^{7/} See notes 1 and 2, supra.

verification.^{8/} This problem will be exacerbated many-fold if MTN is authorized to equip over five times as many ships with SES stations as are presently authorized.^{9/}

6. AAR and CDMS respectfully submit that MTN's failure to cooperate with the terrestrial FS community by disclosing the schedule and locations of its existing fleet of 45 SES-equipped vessels is a compelling reason why the Commission should not authorize an increase in the number of vessels to 250. Doing so would only exacerbate and compound the existing problem currently facing the FS community with

^{8/} See Attachments 2, 3 and 4 to AAR's March 5 Petition to Deny MTN's applications for permanent authority, and MTN's Consolidated Opposition filed March 18, 1999, in which MTN states that it will not provide the information necessary to enable FS operators to identify SES stations as possible sources of interference. See also AAR and CDMS Petition to Deny MTN's application for renewal of its experimental license at paras. 6-7.

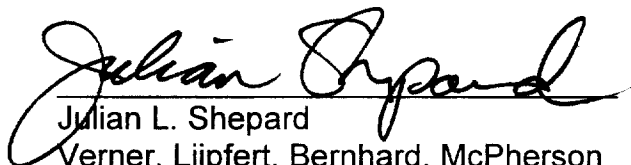
^{9/} MTN claims in its Petition for Partial Reconsideration that its service to U.S. Navy ships has "augmented the morale and welfare of U.S. Navy personnel on SES-equipped ships by permitting U.S. Navy personnel to call home." Left unexplained in MTN's petition is why the Navy cannot utilize the services of the Inmarsat system and the recently-inaugurated Iridium mobile satellite system for this purpose. Another aspect of MTN's service to the U.S. Navy is the provision of television programming (including CNN and MSNBC) to Navy personnel. See, "U.S. Navy Briefing for National Spectrum Managers Association," 17 September 1997, at 2. Of course, this service can be provided with downlink-only terminals in the 4 GHz band; there is no need to use the Earth-to-space frequencies in the 6 GHz band.

regard to the inability to identify possible SES transmitters as interference sources.

Under the circumstances, MTN's Petition for Partial Reconsideration should be denied.

Respectfully submitted,

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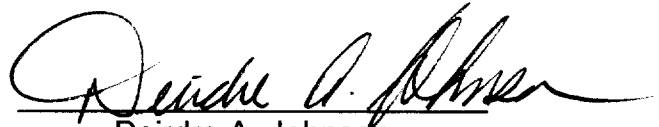
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March 24, 1999

CERTIFICATE OF SERVICE

I, Deirdre A. Johnson, a secretary for the law firm of Verner, Liipfert, Bernhard, McPherson, and Hand, Chartered, hereby certify that I have this 24th day of March, 1999, caused a copy of the foregoing "Opposition to Petition for Partial Reconsideration" to be sent, via First Class, United States Mail, postage prepaid to each of the following:

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