



# PUBLIC NOTICE

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DA 17-435

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ICOM AMERICA INC. REQUEST FOR WAIVER TO PERMIT MANUFACTURE, IMPORTATION, SALE, AND INSTALLATION OF CLASS E DIGITAL SELECTIVE CALLING RADIO

WT Docket No. 17-122

Comment Date: June 8, 2017

Reply Date: June 23, 2017

By this *Public Notice*, we seek comment on a request for waiver filed by Icom America Inc. (Icom) to permit the manufacture, importation, sale, and installation of its medium frequency/high frequency (MF/HF) Digital Selective Calling (DSC) radio Model IC-M802 (M802).<sup>1</sup> MF/HF radios, which operate in the maritime mobile portions of the 1.6-27.5 MHz band, are used by ship stations to communicate with other ship stations or coast stations for safety, navigation, and weather information. A waiver is required because the M802 does not comply with the relevant technical standard now incorporated by reference in the Commission's rules.

Equipment certification for the M802 was granted in 2002.<sup>2</sup> At that time, the Commission's rules incorporated technical standard CCIR Recommendation 493<sup>3</sup> for DSC equipment.<sup>4</sup> Over time, the Commission's rules were amended to incorporate subsequent revisions of this standard.<sup>5</sup> In 2010, the Commission updated its rules to require compliance with ITU-R M.493-13,<sup>6</sup> and prohibited the manufacture, importation, sale, or installation of non-compliant equipment as of March 25, 2011 (later

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<sup>1</sup> See Letter from Nick Pennance, Vice President, Icom America Inc., to Scot Stone, Wireless Telecommunications Bureau, Federal Communications Commission (Feb. 21, 2017) (Request).

<sup>2</sup> See Grant of Equipment Authorization AFJIC-M802.

<sup>3</sup> CCIR Recommendation 493, "Digital Selective-calling System for use in the Maritime Mobile Service."

<sup>4</sup> See 47 CFR § 80.225(a) (2002).

<sup>5</sup> See *Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications*, Report and Order and Further Notice of Proposed Rulemaking, 17 FCC Rcd 6741, 6842 (2002) (incorporating ITU-R M.493-10); *Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications*, Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rulemaking, 21 FCC Rcd 10282, 10298, para. 27 (2006) (incorporating ITU-R M.493-11).

<sup>6</sup> ITU-R M.493-13, "Digital Selective Calling System for Use in the Maritime Service," with Annexes 1, 2, 3, and 4 (10/2009) (ITU-R M.493-13).

extended to January 1, 2013<sup>7</sup>).<sup>8</sup> ITU-R M.493-13 added an annex (Annex 4) that established new requirements for DSC radios.<sup>9</sup> Icom states that the M802 does not meet the Annex 4 requirements, so the company stopped producing it.<sup>10</sup>

The M802 is a Class E DSC radio. Class E equipment is intended to provide minimum facilities for MF and/or HF DSC distress, urgency and safety as well as routine calling and reception, but not to comply fully with the requirements applicable to vessels that are required to carry an MF/HF DSC radio as part of the Global Maritime Distress and Safety System (GMDSS). GMDSS-compliant Class A radios typically cost several times as much as Class E equipment, which is intended for use by vessels that are not subject to the GMDSS requirements. Icom states that typical M802 users are cruising vessels, *i.e.*, smaller ships used for recreation.<sup>11</sup>

Icom now requests a waiver to permit manufacture, importation, sale, and installation of the M802 until 2020, by which time it expects to have available an MF/HF DSC radio that complies with the current standard. It argues that a waiver is in the public interest because it will enable cruising vessels to obtain communication, safety and weather information from an HF radio during a voyage.<sup>12</sup> It asserts that it is the only manufacturer that produced Class E radio equipment at a price point that general users could afford, and that non-DSC communications alternatives do not provide the same safety benefits.<sup>13</sup>

We seek comment on the waiver request. In particular, we seek comment on the effect on maritime safety of the unavailability of the M802, and on whether there are affordable alternatives that comply with ITU-R M.493-13 or provide equivalent safety benefits.

### **Procedural Matters**

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 17-122. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>14</sup>

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

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<sup>7</sup> See *Wireless Telecommunications Bureau Clarifies and Temporarily Waives Requirements For Maritime Digital Selective Calling Equipment*, Public Notice, 26 FCC Rcd 16782, 16783 (WTB MD 2011).

<sup>8</sup> See *Amendment of Part 13 and 80 of the Commission's Rules Concerning Maritime Communications*, Fourth Report and Order and Second Memorandum Opinion and Order, 25 FCC Rcd 7781, 7806 (2010); 47 CFR §§ 80.225(a)(4), 80.1101(c)(4)(ii).

<sup>9</sup> See ITU-R M.493-13 Annex 4 "Automated procedures for simplified operation in shipborne equipment."

<sup>10</sup> See Request at 1, 2.

<sup>11</sup> *Id.* at 1.

<sup>12</sup> *Id.* at 2.

<sup>13</sup> *Id.*

<sup>14</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT No. 17-122. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>15</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Tim Maguire of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2155, [tim.maguire@fcc.gov](mailto:tim.maguire@fcc.gov).

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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<sup>15</sup> See 47 CFR §§ 1.1200(a), 1.1206.

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