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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 24, 2001

NATIONAL
OCEAN
INDUSTRIES
ASSOCIATION

Michael K. Powell
Chairman
Federal Communications Commission
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RE: ET Docket 98-153
Revision of Part 15 of the Commission's Rules Regarding Ultra-
Wideband Transmission Systems

Dear Chairman Powell:

On June 13, 2001, the National Ocean Industries Association (NOIA) submitted comments on the above referenced proposed revisions to Federal Communications Commission rules regarding Ultra-wideband communications systems. NOIA wishes to reiterate its significant concerns with the proposed use of UWB communications in and across restricted bands (even when using in-band emissions masks as ostensible protection) on an uncontrolled and unlicensed basis. We are increasingly deeply concerned about the impact such use would have on the Global Position System and other critical communications systems employed by the domestic offshore energy industry. NOIA urges the commission to reevaluate the proposal in light of the potential and significant adverse impacts the proposal places on the offshore energy industry's ability to explore for and produce vitally important domestic energy reserves. NOIA believes such impacts would be counter to the Presidential directive contained in Executive Order 13211.

The Domestic Offshore Oil and Natural Gas Industry

National Ocean Industries Association's more than 300 member companies include oil and natural gas producers as well as owners and operators of a diverse array of seagoing vessels and aircraft including mobile offshore drilling units, crew and supply vessels, dive support vessels, pipelay barges, transport tugs and tows, geological survey vessels and helicopter transport services.

NOIA member operations on the federal Outer Continental Shelf (OCS) provide for over 25 percent of the nation's petroleum production and over 27 percent of domestic natural gas production. OCS oil and natural gas operations

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generate approximately \$5 billion per year in rents and royalties, one of the largest non-tax contributors to the Federal Treasury.

Today close to 4,000 fixed offshore structures and facilities are located in the Central and Western Gulf of Mexico. Over 35,000 men and women work offshore to find and produce the energy critical to the economic health and well being of the nation. This workforce is responsible for the over 3295 oil wells and 3332 gas wells drilled annually in the Gulf and the over 28,085 miles of pipelines in place to deliver energy to shore for processing and eventual distribution to the American consumer.

Offshore Energy Industry's Communications and Positioning Requirements

The communications and positioning requirements of the offshore oil and gas industry and the NOIA membership are extensive. NOIA members are significant users of the GPS and Differential GPS, and rely on wireless and satellite communications for sending and receiving voice, data, and video to ships, oil and natural gas platforms, subsea installations and buoys in both the coastal and remote areas of the world.

The ability to communicate with key personnel and equipment is critical for offshore energy operations with large amounts of data transmitted at very high data rates being the industry norm. Of paramount importance to NOIA members and offshore energy operations are safety-of-life communications. Any interference with safety communications from UWB systems is too great a risk to accept.

UWB Has Been Proven to Interfere with GPS and Other Safety Services

Since its inception, GPS, and today, the use of Differential GPS, are vitally important for the domestic offshore energy industry's daily operations. NOIA members rely upon high accuracy navigational and positioning services provided through GPS for the construction, placement and monitoring of its offshore operations, including the siting of facilities and pipelines, transportation of crew and supplies, conducting coastal and deep ocean mapping and facilitating emergency response operations.

Operations in the deepwater Gulf of Mexico may be occurring in 10,000 feet of water and over 180 miles from the shore. Operating in this environment demands precise submeter and finer navigation and positioning services. UWB interference with the integrity of the GPS system would gravely affect NOIA member day-to-day operations and domestic energy production, placing crew, equipment and the environment at significant risk.

The record of this proceeding includes test data and analysis from government, industry and academia that shows conclusively that the UWB waveforms tested interfere with GPS

operations, even when operating at levels significantly lower than those provided in Part 15 of the Commission's rules for the consumer devices.

Industry and government agencies have acknowledged that use of UWB in and across restricted bands is a safety hazard. Secretary of Transportation Mineta has written to Secretary of Commerce Evans to make clear his serious concerns on UWB technology's being allowed to operate across restricted bands and the serious implication this would have for safety services. NASA administrator Goldin, likewise has made known his concern for maintaining frequency bands used for safety services to remain free of UWB signals. The aviation industry is also clearly on record expressing its opposition to overlaying UWB signals across bands currently in use for safety of flight and navigation. We join these interests in expressing very serious concern for allowing UWB communications in and across restricted bands.

NOIA urges FCC to use extreme caution and due diligence when considering any rulemaking that could compromise the GPS service and the safety, operational and economic benefits it provides to the domestic offshore energy industry.

Executive Order 13211

It is of considerable concern to us that test results to date demonstrate that UWB communications devices can cause harmful interference to GPS, safety-of-life services, and wireless and satellite services. Any amount of interference to the integrity of the GPS system would have a material adverse affect on domestic offshore energy production and, NOIA believes, would be counter to the direction contained in Executive Order 13211.

As you are aware, that directive seeks to ensure that agencies' regulations minimize the adverse effect of regulatory actions on energy supply including "adverse material affects on productivity, competition, jobs or prices in the energy sector." NOIA believes that if FCC finalizes the UWB proposal as issued, the final rule will have a "significant adverse effect" on productivity in the offshore oil and natural gas exploration and production sector.

Summary

NOIA is opposed to the proposed use of UWB communications in restricted bands, including safety-of-life and GPS, as well as the proposal to overlay all existing services operating in radio frequency bands from 1 to 3 GHz. The proposal, if implemented would have significant and adverse effects on NOIA member operations and the safety-of-life. NOIA also urges the Commission not to issue final rules in the proceeding without first initiating a Further Notice of Rulemaking that provides an opportunity for public comment on whatever rule the Commission proposes to adopt on the use of UWB technology.

Chairman Powell
September 24, 2001
Page 4

The National Ocean Industries Association appreciates the opportunity to provide additional comment on this matter.

Respectfully Submitted,

Robert J. Moran
Director, Government Affairs

Cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Coops
Commissioner Kevin J. Martin
Ms. Magalie R. Salas (two copies)
The Honorable Donald Evans
The Honorable Norman Mineta
The Honorable Daniel Goldin
The Honorable Paul Wolfowitz
The Honorable John Stenbit
The Honorable Spencer Abraham
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Richard Russell
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