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September 2, 2004

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VIA HAND DELIVERY

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SEP - 2 2004

Federal Communications Commission
Office of Secretary

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: Oral Ex Parte Presentation in IB Docket No. 02-10

Dear Ms. Dortch:

This letter provides notice that, on August 31, 2004, Mr. David Kagan, CEO, Mr. Richard Hadsall, CTO and Dr. Robert Hanson, VP, Regulatory Affairs of Maritime Telecommunications Network, Inc. ("MTN"), and the undersigned met with the Commission personnel copied below to discuss matters pertaining to the referenced rulemaking proceeding. The participants discussed MTN's positions set out in its Comments and Reply Comments in the referenced proceeding and in the attached presentation.

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 C.F.R.§ 1.1206(b), the original and one copy of this letter and attachment are submitted for inclusion in the file of the referenced proceeding.

Please direct any questions you may have to the undersigned.

Respectfully yours,

Raul R. Rodriguez
Attorney for Maritime Telecommunications Network, Inc.

RRR/rjc
Attachment
cc (by e-mail): Attached List of FCC Personnel

No. of Copies rec'd 0+1
List ABCDE

LIST OF FCC PERSONNEL

Office of Commissioner Copps:	Paul Margie
Office of Commissioner Martin:	Sam Feder
Office of Commissioner Adelstein:	Barry Ohlson
International Bureau:	Don Abelson James Ball Karl Kensinger Richard Engelman David Strickland Steven Spaeth Anna Gomez Bill Howden
Wireless Telecommunications Bureau:	John Muleta Nicole McGinnis Joel Taubenblatt Uzoma Onyeije Michael Pollack Stephen Buenzow Scott Stone Tom Stanley

MTN focuses on providing global broadband seamless satellite services for cruise vessels, oil/gas rigs, and military vessels.

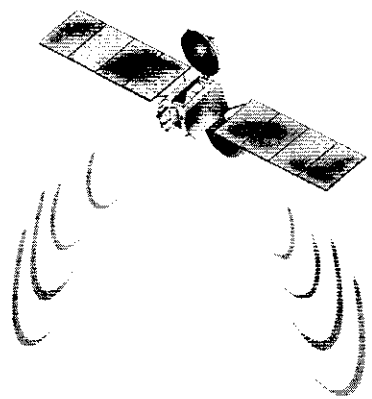
August 31, 2004

What We Do . . .

- MTN focuses on the Cruise, Oil & Gas, Live Broadcast, and Military markets providing global broadband satellite communications services for moving vessels or vehicles
- MTN is a full service turn-key provider offering:
  - Engineering/System Design
  - Equipment Leasing
  - Equipment Installation
  - Equipment Maintenance & Repair
  - Space Segment Management
  - Private Terrestrial Networks
  - Facilitates PSTN Termination
  - Internet Cafes (Wired & Wireless)
  - Connection to Prepaid Calling Platforms
  - Live Broadcasting Services (Audio & Video)
  - Full Newspaper delivery anywhere in the world
  - Mobile telephony solutions

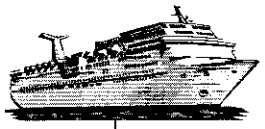
MTN
MARITIME TELECOMMUNICATIONS NETWORK

MTN Network Diagram



MTN

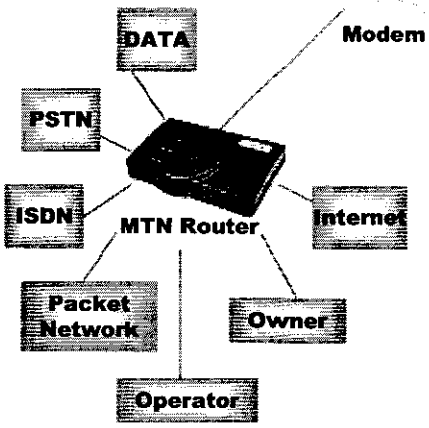
Remote Shipboard Terminals (ports and navigable waters throughout the world)

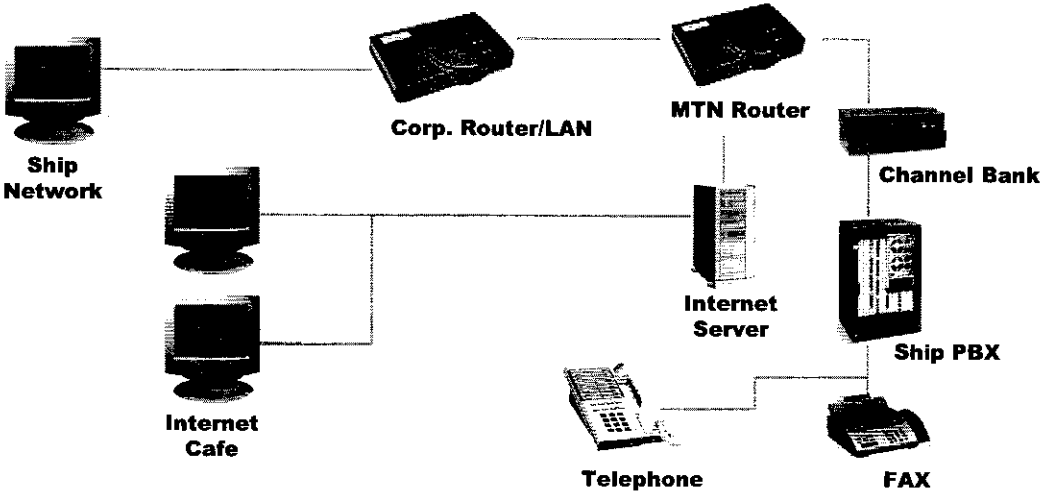


MTN

Network Operating Center (Miramar, Florida)

Modem





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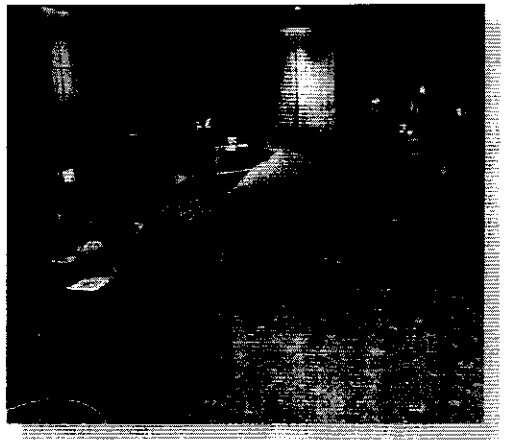
What is Our Value Added . . .

- Our Customers use MTN Services for:
  - Coast Guard/Homeland Security
  - Immigration/Customs (Electronic Processing)
  - Purchasing/Inventory Management
  - General Shipboard Administration
    - Communications with HQ
    - Ship Location Tracking
  - Credit Card Verification/ ATM Processing
  - Extensive calling during safety/distress given the volume of calls/e-mails the MTN system can handle versus Inmarsat
  - Passenger and Crew Calling
  - Passenger and Crew Entertainment
    - Via Internet Cafes (wired and WiFi wireless)
    - Daily newspapers (digitally transmitted and printable in complete format)
  - Live video/radio broadcasts



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Vital MTN Statistics

- Ships/Rigs Installed – 140+
- Ships with Internet Cafes – 60+
- Number of People with access to MTN systems ~275,000 (at any given time)
- Average Cost of an Installation - $225,000
- Annual Revenues approximately $40 million
- MTN Employees = 100 + 50 onboard managers
- Privately owned U.S. Corporation

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MTN Business Issues

- MTN has in excess of $20 million of C-Band space segment commitments
- MTN's network and business solution is designed for global broadband seamless coverage (completely covering the oceans as vessels transit across them)
  - ***Only C-band can provide this broad coverage***
- MTN's customers require highly reliable service that only C-band can deliver, anywhere in the world

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MTN Business Issues – part 2

- Most new vessels now have in excess of 3,000 people onboard (all the time) - the cruise lines rely on MTN's C-Band systems to run their day-to-day onboard operations
- MTN's services (admin voice, passenger voice, crew prepaid calling, shore to ship calling, internet, newspapers, etc.) are now an integral part of the cruise product
- Many similar requirements are being sought from the US military
  - Global broadband seamless coverage "that's always on"
- Services now include mobile telephony through a joint venture with AT&T Wireless and live television

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WRC-03 Results

- WRC-03 adopted ESVs as a new application of FSS in both C- and Ku-bands.
- At C-band, ESV is an FSS application co-primary with C-band FS stations.
- The primary motivation for developing ITU technical recommendations was to provide the means for protecting the FS through frequency coordination.

In-Motion vs. Fixed ESVs

- Stabilized earth stations at fixed locations (e.g., docks; oil exploration platforms) should not be treated as ESVs and must be coordinated in same manner as any other C-band Earth station and licensed as an FSS earth station as provided for in the Radio Regulations.
- Use of EVSs in-motion (which means any time they are not "fixed") must be coordinated using the recommendations developed and adopted by ITU-R (with participation of FS and FSS community). In the U.S. the National Spectrum Managers Association (NSMA) also developed a recommendation for frequency coordination procedures and a short-term interference objective of –145 dBW/4kHz) that should be part of the FCC regulations.

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Coordination Avoids Interference

- Coordination is the best way to protect against any potential for interference from ESVs operating in C-band and FS receivers. These procedures historically have allowed for co-primary uses of C-band.
- Using frequency coordination to mitigate any possibility of interference is supported by virtually all comments and reply comments in this proceeding; including those of the FWCC!
- Coordination will protect the development of terrestrial networks and not inhibit their growth.

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Coordination – part 2

- The Commission has proposed to allow ubiquitously deployed unlicensed devices using the interference temperature metric to share the FS spectrum at 6 GHz
  - ESVs by contrast would 1) be licensed; 2) coordinate with FS; & 3) be present in very limited locations.
- Of all the comments filed in the FCC NPRM proceeding, there is not ***ONE SINGLE*** reported case of interference from a C-band ESV terminal on a commercial vessel to an FS station.

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Coordination – part 3

- Once ESVs are coordinated, there is no need to treat them any different from any other coordinated FSS application:
  - Subject to blanket licensing (VSAT model);
  - Full term licenses;
  - Protected in transmit mode in C-band and transmit/receive in Ku-band;
  - Without limitation on amount of spectrum or space station of choice.

FCC Should Adopt WRC-03 Results

- USG worked diligently at WRC-00 and WRC-03 to establish worldwide recognition of ESVs as an FSS application.
- The EU has a draft regulatory decision for both C- & Ku-band ESV operation that should be adopted by early next year.
- The Commission should adopt rules and regulations as agreed by the international community and maintain U.S. leadership on this issue.

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What the FCC should adopt

- Regulations should provide for both C- and Ku-band ESV operations as stations in the Fixed-Satellite Service (FSS);
- The licensing regime should modeled after VSAT networks where the license is issued to the hub Earth Station operator who in turn controls all remote stations accessing the network – including stations on non-US flag ships.
- Must provide for Ku-band ESVs to operate in the manner suggested in the NPRM -- on a fully co-equal basis with fixed Ku-band Earth Stations.

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What should the FCC adopt – part 2

- Regulations should allow for ESVs to transmit in C-band while the vessel is in motion:
  - On a coordinated basis;
  - Co-primary with terrestrial users of C-band;
- Stationary C-band stabilized systems should be regulated as ordinary FSS earth stations, not ESVs;
- Regulations should not require ESV operators to share tracking and monitoring information with any party other than a duly authorized entity upon reasonable request.

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