

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WEATHERDOCK AG)	WT Docket No. 19-281
)	
Request for Waiver to Permit Equipment)	
Authorization and Use of a Maritime Survivor)	
Locating Device with Open Loop Alerting)	

ORDER

Adopted: December 9, 2019

Released: December 10, 2019

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* This *Order* grants a request filed by Weatherdock AG (Weatherdock) for waiver of the Commission's rules to permit the equipment authorization and use of its easyONE Maritime Survivor Locating Device (MSLD) that incorporates open loop alerting in compliance with the most recent Radio Technical Commission for Maritime Services (RTCM) standard.¹

2. *Background.* An MSLD is a small portable transmitter that is intended to aid in the location of persons in the water.² MSLDs can be worn on or as part of a garment or life jacket, and are intended to facilitate the rescue of persons in the vicinity of their vessel or structure so that immediate assistance can be rendered without a time-consuming and expensive search and rescue operation.³ MSLDs may operate in "closed loop" or "open loop" mode; a closed loop alert is received only on a device monitored by personnel at the MSLD wearer's vessel (or fleet of vessels) or facility, while open loop operation allows alerts to be heard by all vessels in the vicinity equipped with Digital Selective Calling (DSC) equipment.

3. MSLDs must conform to the version of RTCM Standard 11901 that is incorporated by reference in the Commission's rules.⁴ The version of the RTCM MSLD standard incorporated by reference in the Commission's rules requires the device to begin in closed loop mode, and it does not permit open loop alerting unless the closed loop DSC alert is not acknowledged for five minutes. In the time since the Commission adopted its rule, however, RTCM revised the standard to eliminate the required delay in open loop alerting.⁵

¹ See Request by Weatherdock AG for Waiver of the Commission's Rules (dated June 18, 2019).

² 47 CFR § 95.2903.

³ See *Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters et al.*, Report and Order, 31 FCC Rcd 10300, 10307, para. 18 (2016).

⁴ RTCM Standard 11901.1 for Maritime Survivor Locating Devices (MSLD), dated June 4, 2012; see 47 CFR § 95.2989(b)(1)(ii).

⁵ See RTCM Standard 11901.1 with Amendment 1 for Maritime Survivor Locating Devices (MSLD), dated May 2, 2014. The current version of RTCM Standard 11901.1 is dated February 5, 2015.

4. Weatherdock believes that MSLDs designed to the new RTCM standard will enhance the ability to locate persons in distress, and already offers the easyONE with open loop alerting for sale abroad. Consequently, Weatherdock seeks a waiver to permit equipment certification and use of MSLDs with open loop operation pursuant to the revised RTCM standard.⁶ Weatherdock submitted with its waiver request a letter from the United States Coast Guard concluding that the easyONE complies with the applicable requirements of RTCM Standard 11901 and stating that the Coast Guard does not object to equipment authorization and use of the device.⁷

5. RTCM also has filed a petition for rulemaking requesting that the revised standard be incorporated into the rules.⁸ Commenters support the petition.⁹ That proceeding remains pending.

6. *Discussion.* Section 1.925 of the Commission's rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.¹⁰ We conclude that the waiver request meets the first prong of the waiver standard.

7. Weatherdock's proposed MSLD offers improved identification and location of persons in distress over current MSLDs. We agree with Weatherdock that application of the rules in this instance would frustrate their underlying purpose – promoting public safety – and that a waiver would serve the public interest because use of an MSLD with open loop alerting will facilitate recovery of lost mariners and other persons in distress.¹¹ We therefore grant Weatherdock's request for a waiver to permit the equipment authorization, marketing, and use of an MSLD with open loop alerting, pending resolution of RTCM's rulemaking petition.¹²

8. Weatherdock must reference this *Order* when applying for FCC equipment certification. The request for equipment certification shall be submitted in writing to a Telecommunication

⁶ The Wireless Telecommunications Bureau sought comment on the waiver request on October 3, 2019. *See Wireless Telecommunications Bureau Seeks Comment on Weatherdock AG Request for Limited Waiver to Permit Equipment Authorization and Use of Maritime Survivor Locating Device with Open Loop Alerting*, Public Notice, DA 19-996 (WTB MD Oct. 3, 2019). No comments were filed.

⁷ *See* Letter from B.A. Baldwin, Chief, Lifesaving and Fire Safety Division, U.S. Coast Guard, to Felix Metzenthin, Marine Rescue Technologies, Inc (Apr. 2, 2019).

⁸ Petition of the Radio Technical Commission for Maritime Services for Rulemaking, RM-11813 (filed Aug. 20, 2018), <https://www.fcc.gov/ecfs/filing/1081900919860>.

⁹ Public notice was provided on August 23, 2018. *See Consumer and Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, Public Notice, Report No. 3100 (Aug. 23, 2018).

¹⁰ 47 CFR § 1.925(b)(3); *see also* WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹¹ *See Marine Rescue Technologies Limited*, Order, 28 FCC Rcd 12194, 12195, para. 6 (WTB MD 2013) (granting waiver to permit equipment authorization and use of MSLD with Automatic Identification System (AIS) alerting before the Commission's rules incorporated the RTCM standard permitting AIS MSLDs).

¹² That is, Weatherdock and users of its MSLD will be subject to the rules adopted in the pending rulemaking proceeding, but will be permitted to operate pursuant to this waiver until such rules take effect.

Certification Body,¹³ and must include the Coast Guard letter concluding that the easyONE complies with the applicable requirements of RTCM Standard 11901. The equipment also must comply with the pertinent requirements in part 95.¹⁴ Equipment must receive certification prior to marketing.¹⁵

9. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and section 1.925 of the Commission's rules, 47 CFR § 1.925, that the Request for Waiver filed by Weatherdock AG on June 18, 2019, IS GRANTED as set forth herein.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹³ See 47 CFR § 2.911(a).

¹⁴ See 47 CFR §§ 95.2961-95.2989.

¹⁵ See 47 CFR §§ 2.803(b)(1), 2.907.