

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of)	
)	
2018 Biennial Review of)	WT Docket 18-374
Telecommunications Regulations)	
)	

COMMENTS

The *2018 Biennial Review of Telecommunications Regulations* (DA 18-1260) seeks comment on rules that the “commenting party believes should be amended or repealed.” For the Wireless Telecommunications Bureau, Part 95 is among those rule parts invited for comment.

Rules concerning network connection in the General Mobile Radio Service (GMRS, Part 95, Subpart E) are widely misinterpreted and must be clarified or amended.

Regulatory ambiguity, further clouded by an ill-advised FCC staff E-mail, have left a void increasingly populated by Voice over Internet (VOIP) operations in GMRS.¹

§ 95.1749 GMRS network connection.

Operation of a GMRS station with a telephone connection is prohibited, as in § 95.349. GMRS repeater, base and fixed stations, however, may be connected to the public switched network or other networks for the sole purpose of operation by remote control pursuant to § 95.1745.

Rule § 95.1749 permits GMRS connection to the PSTN **or other networks** for the **sole purpose** of *operation* by remote control. Sole purpose means only purpose.

Rule § 95.303 defines *operate* as control of station functioning; “in particular, [to] cause a Personal Radio Service station to begin, continue or cease transmitting.”

Operation, whether by remote control or otherwise, would thus include switching the repeater on and off and any adjustments needed to ensure compliance. But § 95.1749 is widely misconstrued as allowing VOIP - when *operation* pertains only to physical control of emissions and not to communication of messages.

¹ See Appendix A for example.

Violators claim that § 95.1749 does not contain the word “Internet” so VOIP must be allowed. The claim fails, of course, as *other networks* encompasses the Internet.

They argue that this rule permits voice via Internet if the repeater is remotely controlled. Yet there is no nexus between VOIP and station control. Rule § 95.1733(a)(8) prohibits radio transmission of messages conveyed over the control link.

Under current rules, the FCC must find GMRS VOIP unauthorized and place licensees on notice to that effect. The FCC could do this by rule changes on its own motion, by Declaratory Ruling,² a Public Notice or an Enforcement Advisory clarifying the matter.

The Commission must also vacate the widely distributed “FCC Letter,” an informal E-mail from licensing staff. With regard to GMRS VOIP, it advises “if your internet provider is the cable company, it’s fine; but if you have DSL or dial-up internet from the phone company, it isn’t.”³

In fact, § 95.1749 **makes no distinction between cable-provided and telco-provided Internet**. GMRS network connection may only be for remote control. Not VOIP. And while FCC has long cautioned that parties rely on informal staff discussions at their own risk,⁴ GMRS users are typically unaware of such policy.

This famous memorandum has become the final word, a *cause célèbre* and “free pass” for the proliferation of GMRS Internet.⁵

No FCC proceeding has ventilated the issues surrounding GMRS and the Internet. No FCC finding, pronouncement or publication has suspended § 95.1749 and its limitation on connection to the PSTN **or other networks** including the Internet. Even the exhaustive, *seven-year* Docket WT 10-119 made no substantive changes regarding connection of GMRS to networks.

² Per Rule § 1.2, the Commission may issue a declaratory ruling *terminating a controversy or removing uncertainty* (emphasis added). GMRS VOIP is a longstanding and contentious issue in this service. The vaunted “FCC Letter” escalated this controversy and increased uncertainty.

³ Issued by the FCC Licensing Support Center under Case IDs HD0000483700 and HD0000002998556 among possible other IDs (Appendix B).

⁴ Applications of Mary Ann Salvatoriello, Memorandum Opinion and Order, 6 FCC Rcd 4705 (1991), citing Texas Media, 5 FCC Rcd 2581, 2852 (1990), *aff’d sub nom. Malkan FM Associates v. FCC*, No. 90–1281, slip op. at 12 (D.C. Cir. Jun. 14, 1991). *Kojo Worldwide Corp.*, Memorandum Opinion and Order, 24 FCC Rcd 14890 (2009).

⁵ An online GMRS repeater directory lists 1370 repeaters and 259 networks. See Appendix C.

This service needs unambiguous public guidance reminding licensees that connection of GMRS stations to the Internet for voice transmission is prohibited, regardless of any informal advice which may have been proffered; and that remotely controlled repeaters are no exception to this rule.

Linking of remote *receivers* to supply voice audio to repeaters via the Internet does not extend transmitter range and spectrum consumption, but can help fill-in coverage within an area where needed. Such systems may deserve an exception but under the rules they appear to be prohibited. Here again rule change or clarification is in order.

I request that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BZ Kobb', written in a cursive style.

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Appendix A



THE GMRS LINKED NETWORK

>GET YOUR BINGO CARDS HERE<

[Home](#) [Map / List of Nodes](#) [Photo/ Videos](#) [Node Status](#) [How to get your call sign](#) [Network Users](#)

[Request to link with network](#) [Donate to the Network](#) [E-Mail](#)

DO YOU LIVE WHERE THERE IS NO REPEATERS?

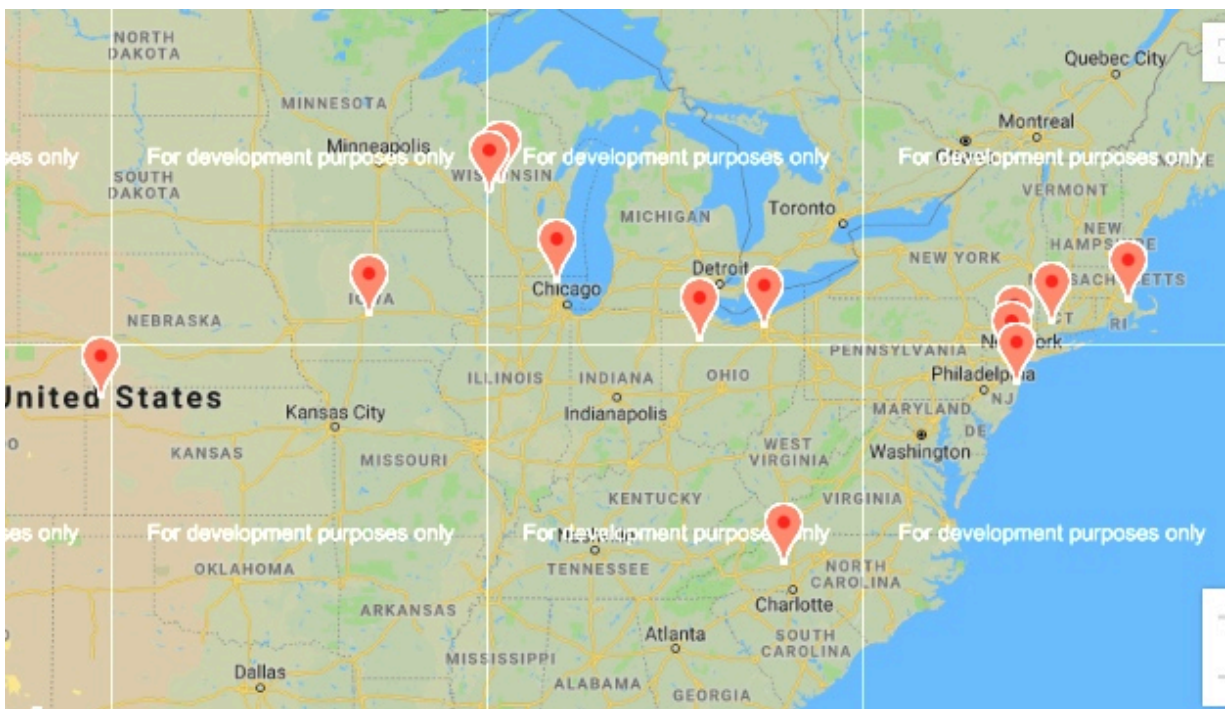
DOES YOUR LOCAL REPEATER HAVE LITTLE TO NO TRAFFIC?

ARE YOU LOOKING TO GET MORE USE OUT OF YOUR GMRS LICENSE?

IF YES TO ANY OF THEM THEN YOU MAY NEED TO JOIN US.

**THE GMRS LINKED NETWORK IS A FREE NETWORK THAT IS USING SOFTWARE CALLED
APP_RPT/ASTERISK .**

**OUR NETWORK OF PRIVATE INDIVIDUAL OWNED SIMPLEX AND REPEATERS ARE LINKED
TOGETHER 24/7 USING THE INTERNET. THIS SITE IS HERE TO HELP INFORM YOU OF WHAT YOU
WILL NEED TO KNOW TO GET YOU LINK WITH OUR NETWORK. THERE ARE HOW TO VIDEOS TO
SHOW YOU EVERYTHING YOU NEED TO KNOW ABOUT THIS PAGE FROM HOW TO GET THE
HARDWARE TO DOWNLOADING THE SOFTWARE.**



Appendix B

Sent from IT Service Desk [mailto:fccprod@midatl.service-now.com]

The information you requested from the FCC can be found below in the body of the email.

If you have any questions contact us at (877) 480-3201.

Thank You!

Case Id: HD0000483700

Summary: Licensing Requirements

****Please do not reply back to this message. The e-mail address is configured for outgoing e-mail only.****

GMRS stations may not be interconnected to the public switched telephone network as per 95.349, 95.1749. However, proposing to use a VoIP link between the two repeater sites is permissible if the link is considered non-interconnected VoIP. VoIP can either be an interconnected VoIP service or non-interconnected VoIP service, see the definitions below. It is my understanding that if your internet provider is the cable company, it's fine; but if you have DSL or dial-up internet from the phone company, it isn't.

The second method using RF to link the two repeater sites is allowed so long as the link meets the rules and limitations for fixed stations pursuant to the Part 95 rules.

§64.601

(23) Non-interconnected VoIP service. The term "non-interconnected VoIP service"—

(i) Means a service that—

(A) Enables real-time voice communications that originate from or terminate to the user's location using Internet protocol or any successor protocol; and

Appendix B continued

(B) Requires Internet protocol compatible customer premises equipment; and

(ii) Does not include any service that is an interconnected VoIP service.

§9.3

Interconnected VoIP service. An interconnected Voice over Internet protocol (VoIP) service is a service that:

- (1) Enables real-time, two-way voice communications;
- (2) Requires a broadband connection from the user's location;
- (3) Requires Internet protocol-compatible customer premises equipment (CPE); and
- (4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

The rules may be found at the following website: <https://www.fcc.gov/general/rules-regulations-title-47>

If you have any further questions, or need additional information, please submit a help request at <https://www.fcc.gov/wireless/available-support-services> or call the FCC Licensing Support Center at (877) 480-3201.

Sincerely,

FCC Licensing Support Center

8:00 AM — 6:00 PM EST, M - F
















Ref:MSG1713680

Appendix C

Obtained from <https://mygmrs.com/networks>, December 22, 2018. This illustration is merely an excerpt of a much longer list. This site lists 259 repeater networks.

All Networks

Tip: Private networks are networks where only the creator can add repeaters to. Private networks *do not* necessarily mean that the repeaters are closed to the public.

Network Name	Repeaters	Owner	Type
North Georgia GMRS.com	30	WQYU407	 Private
WQOM273 Repeater Club	20	kc8mln	 Private
Bluecom Emergency Services	18	KAG1184	 Private
Texas GMRS Network - texasgmrs...	10	lee.lockwood	 Public
Smoky Mtn Digi Hams GMRS	10	etctweak	 Private
Southeast Colorado GMRS Users ...	9	rfrazee2001	 Public
Riff Rafters	9	wqjh595	 Public
The GMRS Linked Network	8	Wqxn966	 Public
Central WA GMRS Repeater Group	7	wpya330	 Public
North Valley GMRS	7	wcorey	 Public
FFRC Network	7	kslr303	 Private
GMRSNM.net	6	qkag0109	 Public
Midwest GMRS	6	coryb27	 Public
Fla Panhandle GMRS	6	LsL	 Public
ZELLO	6	Esystemss	 Public
Asociación Gmrs PR	6	Ovejo	 Private
Four Corners GMRS System	5	kb5spw	 Public
Backwoods GMRS Group	5	jmhatch	 Private