

EX PARTE OR LATE FILED

ORIGINAL

Room 222

DUCKETS

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

8 FEB 1993

IN REPLY REFER TO:
7330-7/1700A3

RECEIVED

FEB 11 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Jon Kyl
House of Representatives
Washington, D.C. 20515

Dear Congressman Kyl:

This is in reply to your letter of January 26, 1993, in which you inquired on behalf of your constituent, Challen W. Irvine, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Irvine is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

No. of Copies rec'd
List: ABCDE

041

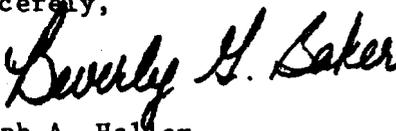
Honorable Jon Kyl

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due February 26, 1993, and Reply Comments are due April 14, 1993. We expect final rules to be issued near the end of 1993. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

Sra 
Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:

Notice

Discussion paper

Incoming correspondence

Congressional

Due: 2-9-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
02/01/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300301	02/01/93	01/26/92	02/12/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Jon Kyl	BC

CONSTITUENT'S NAME	SUBJECT
Challen W Irvine	info/comments on a docket

REF TO	REF TO	REF TO	REF TO
PRB/LEAD 2-2-93	OYP		
DATE	DATE	DATE	DATE
02/01/93			

REMARKS:

RECEIVED
FEB 2 2 53 PM '93
PRIVATE

Congress of the United States
House of Representatives
Washington, D.C.

PRB
docket
301

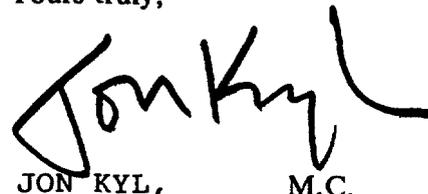
January 26,, 19...92.

Congressional Liaison
Federal Communications Comm.
Washington, D.C. 20554

Sir/Madam:

The attached communication is sent for your consideration. Please investigate the statements contained therein and forward me the necessary information for reply, returning the enclosed correspondence with your answer.

Yours truly,



JON KYL,

M.C.

ATTN: tg

JAN 25 RECD

RECEIVED

FEB 2 2 53 PM '93

COMMUNICATIONS
PRIVATE RADIO
F.C.C.

17 JANUARY 1993

THE HONORABLE JON KYL
U S HOUSE OF REPRESENTATIVES
WASHINGTON D C 20515

DEAR MR KYL:

I AM VERY CONCERNED ABOUT PROPOSED RULES THAT ARE CURRENTLY UNDER CONSIDERATION BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC). THE PROCEEDING IS PR DOCKET 92-235. IF ADOPTED, THE NEW RULES WILL GREATLY REDUCE THE USABILITY OF FREQUENCIES CURRENTLY ASSIGNED FOR MODEL USE AND INCREASE THE RISK OF ACCIDENTS AND ATTENDANT LIABILITY FOR CONTROLLING MODEL AIRPLANES.

OUR RADIO CONTROL FREQUENCIES ARE IN THE 72 - 76 MHZ BAND. THIS BAND IS PRIMARILY USED FOR PRIVATE LAND MOBILE DISPATCH OPERATIONS. HOWEVER, OUR RADIO CONTROL FREQUENCIES IN THIS BAND ARE FAR ENOUGH APART FROM THE LAND MOBILE FREQUENCIES THAT WE HAVE BEEN ABLE TO SHARE THE BAND WITHOUT EITHER USE INTERFERING WITH THE OTHER.

NOW THE F C C WANTS TO CREATE MORE LAND MOBILE FREQUENCIES BY SPLITTING THEM INTO NARROWER BANDWIDTHS AND REARRANGING THE BAND PLAN. AS A RESULT, MANY LAND MOBILE FREQUENCIES WILL MOVE CLOSER TO THE RADIO CONTROL FREQUENCIES AND CAUSE INTERFERENCE TO RADIO CONTROL OPERATIONS. I AM TOLD THAT OF THE 50 FREQUENCIES THAT ARE PRESENTLY AVAILABLE FOR RADIO CONTROL OF MODEL AIRPLANES, ONLY 19 FREQUENCIES WILL BE LEFT IF THESE NEW RULES ARE ADOPTED.

WHEN WE FLY OUR MODEL AIRPLANES UNDER RADIO CONTROL, WE GO TO GREAT LENGTHS TO ASSURE THE SAFETY OF THE OPERATOR AND BYSTANDERS AND THE PROTECTION OF PROPERTY. MANY OF OUR SAFETY PRECAUTIONS INVOLVE THE CAREFUL COORDINATION AND USE OF THE RADIO CONTROL FREQUENCIES. IF THE NUMBER OF USABLE FREQUENCIES IS DIMINISHED AS PROPOSED BY THE F C C, THE REMAINING FREQUENCIES WILL BECOME HIGHLY CONGESTED AND THE MARGIN OF SAFETY WILL BE GREATLY DECREASED.

PLEASE UNDERSTAND THAT MANY MODEL AIRPLANES HAVE WING SPANS UP TO 10 FEET AND WEIGH AS MUCH AS 30 TO 40 POUNDS. THE MODELS THEMSELVES ARE EXPENSIVE TO BUILD; BUT MORE TO THE POINT, THEY ARE CAPABLE OF CAUSING PROPERTY DAMAGE, SERIOUS INJURY, OR EVEN DEATH IF RADIO INTERFERENCE CAUSES THE OPERATOR TO LOSE CONTROL OF THE CRAFT. WE OFTEN FLY OUR MODELS AT ORGANIZED EVENTS AND EVENTS WHERE HUNDREDS OF OPERATORS PARTICIPATE. WE NEED THE USE OF OUR FULL COMPLIMENT OF RADIO FREQUENCIES IN ORDER TO ASSURE A SAFE FLYING ENVIRONMENT.

I DO NOT THINK IT IS WISE OF THE F C C TO SEEK TO IMPROVE THE OPERATING CONDITIONS OF LAND MOBILE RADIO USERS AT THE EXPENSE OF

RADIO CONTROL MODELERS. THE F C C MAY NOT THINK WE ARE AS
IMPORTANT AS BUSINESS USERS OF RADIOS, BUT WE HAVE A CONSIDERABLE
INVESTMENT IN OUR MODELS AND IN OUR RADIO EQUIPMENT. THE HOBBY
PROVIDES MANY HOURS OF ENJOYMENT TO THOUSANDS OF PEOPLE LIKE
MYSELF AND CONTRIBUTES TO THE ADVANCEMENT AND DEVELOPMENT OF THE
COMMERCIAL AVIATION INDUSTRY.

PLEASE HELP ME CONTINUE THE SAFE ENJOYMENT OF MY PASTIME BY NOT
ALLOWING THE F C C TO CARRY OUT ITS PROPOSALS FOR THE 72-76 MHZ
BAND.

SINCERELY,

Challen W. Irvine
CHALLEN W IRVINE
8718 RANGE RIDER TL
MESA ARIZONA 85207