

FEB 17 1993

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
)
Amendment of Parts 2 and 15 to)
Prohibit Marketing of Radio Scanners)
Capable of Intercepting Cellular)
Telephone Conversations)

ET Docket No. 93-1

COMMENTS OF
UNIDEN AMERICA CORPORATION

INTRODUCTION

1. Uniden America Corporation (hereinafter "Uniden") respectfully submits its comments to the above captioned NOTICE OF PROPOSED RULE MAKING ("NPRM"). Uniden is a manufacturer of scanning radio receivers ("scanners") as well as cellular telephones.

BACKGROUND

2. The Telephone Disclosure and Dispute Resolution Act ("Act") Pub. L 102-556 requires that the Commission prescribe and make effective regulations which would deny a Grant of Equipment Authorization for any scanner capable of tuning to frequencies that are allocated to the Domestic Public Cellular Radio Telecommunications Service. As a further requirement, the Act mandates that the Commission deny authorization to scanners that can be "readily altered by the user" to tune the cellular band, as well as "being equipped

No. of Copies rec'd 0+9
List A B C D E

with decoders that convert digital cellular transmissions to analog voice audio".

DISCUSSION

3. Because the Act already mandates the Commission to "prescribe and make effective regulations" described above, Uniden will not comment on its views regarding the merits of the NPRM with regard to the effectiveness of "increas(ing) the privacy protection of cellular telephone users". Rather, we shall address the technical and administrative rules detailed in the NPRM.

4. In paragraph 8 of the NPRM, the Commission requests comments on the "proposed reporting requirement" that "require applicants for scanning receiver equipment authorization to include in their applications a statement pledging that their receivers cannot be readily altered to receive cellular telephone transmissions". Uniden agrees with this proposal as written in the NPRM. Furthermore, Uniden agrees with the Commission's verbiage which defines "readily alterable" as meaning a scanner for which "cellular coverage can be restored by cutting, or adding a simple component such as a resistor, diode, or jumper wire". Additionally, Uniden supports the position that prohibits the "unplugging (of) a semiconductor chip and/or plugging in a new one" to restore cellular coverage.

5. The NPRM requests comments on "whether additional information, such as why the receiver cannot be readily

altered, should be required". Uniden does not believe that any additional information should be required. The application will be reviewed by competent engineering professionals prior to the issuance of a GRANT OF EQUIPMENT AUTHORIZATION (form FCC 731A) ("Grant"). Any disparities in the application must be corrected by the applicant before the Grant is issued. The current FCC rules (47 CFR 2.939) dictate the circumstances under which an equipment authorization might be revoked. These points are sufficient incentive for the Grantee to verify compliance to the Commission's rules.

6. The Act contains requirements for denying equipment authorization for any scanning receiver that can be "equipped with decoders that convert digital cellular transmissions to analog voice audio". The NPRM requests comments concerning "the potential impact of this requirement on existing models of scanning receivers". Uniden is unaware of any consumer device, either in the market or proposed, that contains such circuitry. Therefore, we do not envision any impact on existing models of scanners.

7. In paragraph 10 of the NPRM the Commission requests comments with regard to frequency converters. Uniden does not currently manufacture or market frequency converters that could be used with scanners. We do, however, believe that the rules for equipment authorization for frequency converters that tune in the same proximity as cellular frequencies, such as 800 to 900 MHz, should be the same as

those who apply for scanner certification. The NPRM states that converters are authorized under the notification procedure. This procedure does not require the submission of technical drawings or measurement data with the application for equipment authorization, although the NPRM proposes a new paragraph to be added to Part 2 of its rules that would require an exhibit which attests to the fact that the device cannot be readily altered. Uniden believes that the Commission should require applicants for frequency converters, that are the subject of this rule making proceeding, to submit the same information as those for scanners. Therefore, we would suggest that the procedure to obtain equipment authorization for these devices be changed from notification to the more detailed procedure of certification.

CONCLUSION

8. Uniden supports the proposals of the Commission as written, with the exception of those relating to frequency converters. We believe that frequency converters used with scanners that tune in the 800 MHz to 900 MHz band, should be authorized under the provisions of certification rather than notification.

Respectfully submitted


James R. Haynes
Chief Engineer

UNIDEN AMERICA CORPORATION