

EX PARTE OR LATE FILED

ORIGINAL

Docket File

Rm: 222

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

FILE

17 FEB 1993

IN REPLY REFER TO:

7330-7/1700A3

RECEIVED

FEB 23 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

92-235 /

Honorable Bill Sarpalius
Member, House of Representatives
817 South Polk
Amarillo, Texas 79101

Dear Congressman Sarpalius:

This is in reply to your letter of January 28, 1993, in which you inquired on behalf of your constituent, Robert L. McCartor, 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. McCartor 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 A B C D E

0 + 1

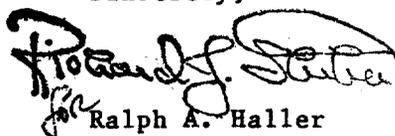
Honorable Bill Sarpalius

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 May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,



Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:
Notice
Order
Discussion paper

cc:
Chief, PRBureau
Chief, LM&M Divison
Docket Files, Room 222
P&P Branch File (Pink)

CNTL NO - 9300404

DFertig/RShiben:/rb/lm:PR
CONGRESS/9300404

Congressional

DUR 2-12-93

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

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
02/03/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300404	02/04/93	01/29/93	02/17/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Bill Sarpalius	BC

CONSTITUENT'S NAME	SUBJECT
Robert L McCartor	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB <i>kan</i>			
3-5-93			
DATE	DATE	DATE	DATE
02/04/93			

RECEIVED
FEB 5 11 20 AM '93
L.S.M. STAFF
PRIVATE MAIL ROOM
F.C.I.

REMARKS:

BILL SARPALIUS
13TH DISTRICT, TEXAS

Committees:

Agriculture
Small Business
Select Committee on
Children, Youth &
Families

Congress of the United States
House of Representatives
Washington, D.C. 20515

126 Cannon House Office Building
Washington, D.C. 20515
(202) 225-3708

817 South Polk
Amarillo, Texas 79101
(806) 371-8844

1000 Lamar, #208
Wichita Falls, Texas 76301
(817) 767-0541

FRB
92-235
404

January 29, 1993

Mr. Ralph Haller
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Dear Mr. Haller:

The enclosed communication is sent for your consideration.

Please investigate the statements contained therein and forward me the necessary information for reply. Please direct your response to my Amarillo office.

Thank you for your assistance.

Sincerely,

Bill Sarpalius
Bill Sarpalius

BS/cm

RECEIVED
FEB 5 11 29 AM '93
PRIVATE FILE

R/C Discount Models

2600 Paramount #G1-A

Amarillo, Texas 79106

806-353-4843



1756 82/ *ca*
em
JAN 28

The Honorable Bill Sarpalius
126 Cannon Building
Washington, D.C. 20515

Dear Congressman Sarpalius:

I am a hobby retailer who sells many radios, radio-controlled models and related products in my store. In addition, I sell train products, plastic model kits and other related hobby products.

It has recently come to my attention that the Federal Communications Commission (FCC) is considering an action that has the potential to destroy my business and that of thousands of other retailers nationwide like me. The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

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.

The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface models by keeping 10 KHz spacing between fixed commercial users and frequencies used by R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 KHz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 frequencies on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

When we operate our R/C models, we go to great lengths to assure the safety of the operators 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 FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a billion dollar industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people and contributes to the advancement and development of the commercial aviation industry.

Please help me continue my business without interference by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid this economic mistake.

Sincerely,

Robert L. McCartor

Don L. McCartor