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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

*Dockets File
Rm 222*

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MAR 5 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Robert C. Byrd
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

This is in reply to your letter of February 5, 1993, in which you inquired on behalf of your several of your constituents 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.

Your constituents are 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.

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 your constituents' concerns into account 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. Your constituents' letters will be included in the record of the proceeding. We expect final rules to be issued in 1994.

Sincerely,

Edward R. Jacobs

RM Richard J. Shiben
Chief, Land Mobile & Microwave Division
Private Radio Bureau

Enclosures

cc:
Chief, PR Bureau
Chief, LM&M Division
Docket Files, Room 222
P&P Branch File (Pink)

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CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
02/18/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300725	02/18/93	02/05/93	03/03/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Robert Byrd	BC

CONSTITUENT'S NAME	SUBJECT
several	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/LMM			
2-19-93			
DATE	DATE	DATE	DATE
02/18/93			

REMARKS:

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United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

PRB
72-235
425

JAMES H. ENGLISH, STAFF DIRECTOR
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February 5, 1993

Mr. Steve Klitzman
Associate Director
Federal Communications Commission
1919 M Street, N.W.
Room 808
Washington, D.C. 20554

Dear Mr. Klitzman:

Enclosed is a sample of the correspondence I have received from residents of West Virginia expressing their concern about the proposed change to PR Docket 92-235 that is under consideration by the Federal Communications Commission (FCC). I understand this rule, if adopted, could inhibit users of radio controlled models.

I would appreciate your making note of my constituent's comments and providing me with information that addresses their concerns.

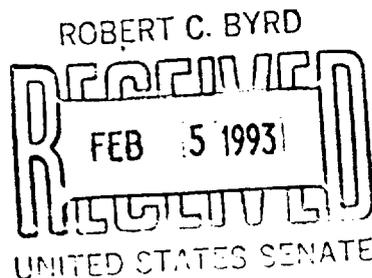
Thank you in advance for your attention to this matter.

With kind regards, I am

Sincerely yours,


Robert C. Byrd

RCB:sgc



Senator Robert C. Byrd
311 Hart Senate Office Building
Washington, DC 20510

January 29, 1993

Dear Senator Byrd:

I am an active member of The Hill Hoppers Flying Club of Wheeling, WV and have for many years enjoyed the hobby of model airplanes, helicopters, cars and boats. I personally own a variety of radio controlled (R/C) models, radios and a workshop full of other products necessary to the operation of my models.

I am very concerned about the proposed rule that is currently under consideration by the Federal Communications Commission (FCC). 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 risks 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 rule 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 protections 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 operating conditions of the 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 sizable industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Sincerely,

Mike Donzella
18 Dorman Road
Wheeling, WV 26003

DFS

DOTSON FINANCIAL SERVICES

The Honorable Robert C. Byrd
Hart Building, Room SH-311
2nd & C Streets, N.E.
Washington, D.C. 20510

Dear Senator Byrd:

I am a consumer who uses radios, radio-controlled models and related products for both my work and enjoyment.

It has recently come to my attention that the Federal Communications Commission (FCC) is considering an action that has the potential to greatly interfere with my use of these products and hundreds of thousands 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.

This great country of OURS is in desperate need of every job that is available or that can be made available. Yet, because of safety and liability concerns, I will not participate in this hobby, if I can't do it safely and within an acceptable risk level. This loss of R/C sales will cause many dealers to close their doors. Is this what we want to let happen? WE have let similar mistakes take place in the past! We must decide where our priorities lie.

Please help me to continue my use of these products 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,



William R. Dotson



ROBERT A. MILLER

SG

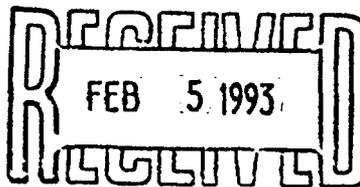


101 King Drive

Kingwood, WV 26537

The Honorable Robert C. Byrd
United States Senate
Washington, DC 20510

ROBERT C. BYRD



February 3, 1993

RE: PR Docket 92-235

UNITED STATES SENATE

Gentlemen:

I am deeply involved in aviation, both professionally as the Air Traffic Manager of Morgantown Air Traffic Control Tower and privately as an avid radio controlled (R/C) modeler. I have recently learned that the FCC is considering changing the frequency use of another service (Part 88). The FCC rule change as identified in PR Docket 92-235 will render the majority of channels now used by my radio controlled model aircraft either unusable or unsafe. The FCC is proposing to insert new frequencies between the model frequencies. These frequencies will be only 2.5 kHz away from the frequencies we now use. The users of the new frequencies will be allowed to use four times the power output allowed by modelers, and their units can be mobile. If this change is allowed radio controlled modeling will be severely impacted.

I am concerned about this negative impact for two reasons. First, I have seen the decline of general aviation as we once knew it due to the increased costs involved in flying full scale aircraft. R/C modeling is one way to get the youth of this nation involved in aviation activities. It would not be in the nation's interests to limit this important activity. Many aviation advancements find their beginnings in R/C modeling. Just look at the accomplishments of Burt Rutan, designer of the Beech Starship and the Voyager (the only aircraft to circle the earth, non-stop, without refueling). Burt began his aviation career as an active R/C Modeler. Second, thousands upon thousands of R/C Modelers have a lot of money invested in this hobby. I have but a modest investment. Even so, I own three transmitters, seven receivers, and six aircraft. The cost of these items was several thousand dollars.

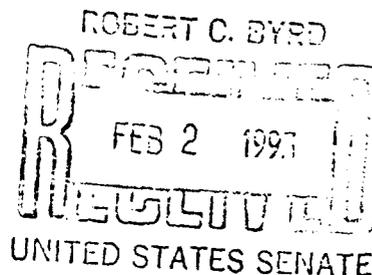
I ask you to contact the FCC and insist that they do not approve the rule changes outlined in PR Docket 92-235.

Sincerely,

Robert A. Miller

January 28, 1993

Senator Robert C. Byrd
Washington DC



Senator:

It has recently come to my attention that the FCC has a rule proposal before its body, to change Part 90 to Part 88 within the very near future.

The reason I am writing to you is that I wish to protest this move vigorously, and if there is any-way that you might be of help in defeating this rule change, it would be appreciated, not only by me, but by many thousands of other people, companies, manufacturer distributors and dealers who would be affected by this move.

To explain, briefly, I am involved in a past-time that I enjoy very much, which I spend a good deal of time and Money operating miniature aircraft, cars and boats by radio control. Part #90 of the FCC rules allow for 10 KHz spacing between the allotted legal frequencies on the 72 and 75 MHz bands. This spacing allows for reliable and safe operation of our equipment. However, now the FCC is considering changing Rule #90 to Rule #88 where-by narrowing the spacing to 2.5 KHz between frequencies, to accomodate private land mobile dispatch operations...This would be impossible for us to live with this situation, as you can imagine the danger and damage that could occur should frequencies conflict.

I have been in this modeling hobby for many, many years, except for the three years that I served in the U.S. Navy during WW #2...Am now retired, and spend considerable time and money on my hobby, would hate to see its demise.

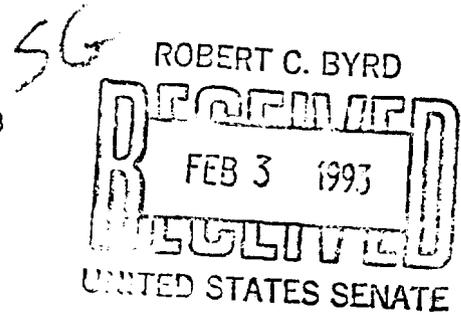
Thank you.

Sincerely;



Frank D. Fullerton
309 Poplar Ave.
Moundsville, WV. 26041

February 1, 1993



The Hónorable Robert C. Byrd
US Senate
311 Hart Bldg.
Washington D.C. 20510

Dear Senator Robert C. Byrd:

I have been interested in aviation for as long as I can remember. I am very active in a local club whose members enjoy constructing and operating radio controlled model airplanes.

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 71- 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 FCC 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 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.

Please understand that many model airplanes have wing span up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build; but more to the point, they are capable of causing property damage, or even death if radio interference causes the operator to lose control of the craft. We often fly our models at organized events and contests where hundreds of operators participate. We need the use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to seek to improve the operating conditions of land mobile radio

DR.
WU 25314

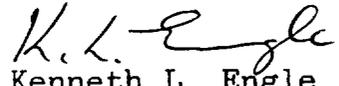
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CONTACT

at the expense of radio modelers. The FCC may not think we
as important as business users of radios, but we have a
considerable investment 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 commercial
aviation industry.

Please help me continue the safe
enjoyment of my pastime by not allowing the FCC to carry out its
proposal for the 72-76 MHz band.

Sincerely



Kenneth L. Engle
VP Flying Hillbillies R/C Club
AMA Membership License 154515