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

MAR - 8 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the matter of	)	
	)	
Amendment of Parts 2 and 15 to	)	ET Docket No. 93-1
Prohibit Marketing of Radio Scanners	)	
Capable of Intercepting Cellular	)	
Telephone Conversations	)	

**REPLY COMMENTS OF  
UNIDEN AMERICA CORPORATION**

**INTRODUCTION**

1. Uniden America Corporation (hereinafter "Uniden") respectfully submits its reply comments to the above captioned NOTICE OF PROPOSED RULE MAKING ("NPRM").

**DISCUSSION**

2. Uniden has read all comments contained in the Commission's Record Image Processing System as of February 23, 1993. Although many commentators addressed whether or not the proposed NPRM met the objectives of "increas[ing] the privacy protection of cellular telephone users...", generally most commentators supported the proposals of the Commission. Some of the supporting commentators had some parochial exceptions or inclusions, which we will address.

3. Southwestern Bell Mobile Systems ("SBMS") in its comments proposed that "the Commission should act now to include in these amended rules proscription on scanners that tune

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frequencies allocated to the Personal Communication Services that will be effective as soon as that allocation is made." In a similar proposal, Fleet Call, Inc. ("Fleet Call") stated "the Commission should expand the applicability of its proposals to prohibit scanners capable of tuning the frequencies allocated to the SMR service." In the Telephone Disclosure and Dispute Resolution Act ("Act") Pub. L 102-556, the scope is limited to the domestic cellular radio telecommunications service. Uniden strongly objects to any attempt to broaden the restrictions beyond those detailed in the Act, itself. To do so could set a dangerous precedent by restricting the reception of frequency ranges which have been historically and widely accepted as our fundamental right to monitor. In our comments, we did not address the merits of the Act with regard to the congressional mandate to the Commission. However, we believe that both SBMS and Fleet Call are proposing that the Commission establish restrictions well beyond the mandate of the Act. Uniden urges the Commission not to act favorably on these requests.

4. The Cellular Telecommunications Industry Association ("CTIA") has proposed a definition of "readily altered" which is overly restrictive, burdensome, and not required to accomplish the purposes of the Act. There is no way to make an electronic device totally tamperproof with regards to restricting the interception of cellular telephone frequencies, or any other frequency. A case in point is the cellular telephone itself. If a technically competent individual wants to modify a device to listen to other

telephone calls, what unit would be better suited for this purpose? Some of the early cellular telephones were even able to monitor communications when programmed by the actual user. Therefore, in this area we continue to support the NPRM as written in the belief that it strikes a balance and reasonably accomplishes the requirements of the Act, without overly restricting manufacturers in the production of scanners for legitimate uses.

5. The Harris Corporation ("Harris") wishes an exemption to the proposed restrictions because they manufacture a device that purposefully intercepts cellular communications which is "expressly designed for law enforcement and cellular security uses." In their comments, Harris also offered additional wording to the proposed Section 15.121 which details their requested exemption. Uniden supports Harris in this endeavor and joins them in making this request.

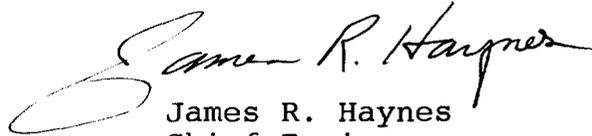
6. The comments of Grove Enterprises, Inc. imply that the Commission has overstepped its authority by including frequency converters in the scope of this proceeding. It should be noted that frequency converters can be used with certain scanners in order to extend the coverage to include the cellular frequencies. Therefore, Uniden supports the wording in the NPRM that states that "[t]o allow such converters to be marketed would be inconsistent with the intent of the Act." Moreover, in our comments, we requested the Commission to require that frequency converters used with scanners that tune in the 800 MHz to 900 MHz band be

authorized under the provisions of certification rather than notification. The application for equipment authorization for certification contains more demonstrable exhibits than the simpler notification procedure.

CONCLUSION

7. Uniden reiterates its support of the Commission's proposal. As stated in its comments, the only exception to the NPRM as written is with the provisions for frequency converters as mentioned above as well as in our original comments.

Respectfully submitted

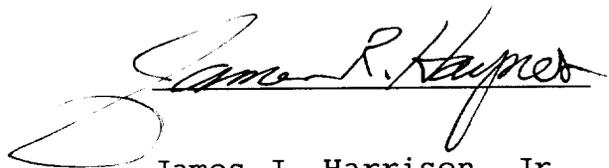


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CERTIFICATE OF SERVICE

I, James R. Haynes, hereby certify that copies of the foregoing "Reply Comments" in Gen Docket No. 93-1 were mailed first-class, postage prepaid, to the following on this 5th day of March 1993.



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