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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Office of the Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Commissioners:

After examining the text of Docket No. 93-1, I am convinced this proposed rule would not contribute to the stated objective of ensuring "the privacy of cellular telephone conversations".

Recent magazine articles on this topic indicate that there are already millions of scanning receivers in use that can receive frequencies in the 800 MHz range. The proposed law would not take effect for another year, providing ample opportunity for scanner manufacturers to sell many millions more.

Even if a scanner isn't capable of receiving signals in this frequency range, a simple converter can be used between the antenna and receiver to shift the frequency of the radio signals.

Trying to ban converters with 800 MHz in and some other frequency range out would be a futile effort. These are very cheap and simple circuits that any electronics hobbyist could build. Plans have been published in electronics magazines, and many amateur radio operators or electronics can design such a circuit.

Besides having no benefits, this proposed rule creates several problems:

1. The technically ignorant public might get the idea their conversations are suddenly more secure. When they learn the truth they will be bitter and more distrustful of the telephone companies and government agencies that deceived them.
2. Privacy might even be reduced. Before the publicity on this topic, most people didn't realize it was so easy to listen to cellular phone calls. Many who never considered buying a scanner will run out and buy one during the next year.
3. New regulations would place an unnecessary burden on electronics manufacturers who would have to change designs and have them recertified.

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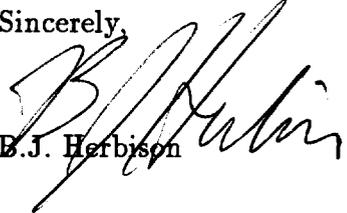
4. It would set an unfortunate precedent. If we have a ban on receivers capable of receiving a certain range of frequencies, other businesses will expect the same treatment for "their" frequencies.
5. The regulations could hit unintended targets. For example the 902 MHz band is now experiencing explosive growth for low power commercial and "ham" applications. Surely much of this equipment could easily be modified to pick up signals in the 800 MHz range even if the manufacturer didn't design it with that intention.

I'm all for protecting the privacy of cellular telephone conversations but prohibiting access to certain frequencies is not an appropriate approach for our society. A much better approach for privacy is encryption of the signals, either by the cellular phone companies or by the parties to the phone conversation.

In summary, I urge the Commission to reject the proposed regulations in Docket 93-1 because they would create many problems without making any progress toward the stated goal.

Thank you for your attention to this important matter.

Sincerely,

  
B.J. Herbison