

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 95 of the)
Commission's Rules to)
Establish a very short distance)
two-way voice radio service)

WT Docket No. 95-102

REPLY COMMENT ~~SOCKET~~ FILE COPY ORIGINAL

Bennett Z. Kobb, licensee of Station KAE 8949 in the General Mobile Radio Service (GMRS), replies to comments filed in this Notice of Proposed Rulemaking (NPRM) to establish a Family Radio Service (FRS) as a new category of Citizens Band Radio Service, in spectrum allocated to the GMRS.

The NPRM alleges that each FRS channel will simultaneously serve "many millions of small groups throughout the country."¹

The Personal Radio Steering Group correctly observed that

"[I]f only the seven interstitial frequencies in the 462 MHz band were to be authorized for use by the FRS, there could be *seven times many millions* of such simultaneous communications, by the Commission's own calculations.

"Nowhere in the *Petition* nor in the NPRM is there any suggestion that this capability of supporting *seven times many millions* of simultaneous communications would be insufficient to meet the needs of a fully implemented FRS."²

A simple computation exposes the NPRM's fantastic claim to 14 channels. Assuming, *arguendo*, that a "small group" consists of four individuals and that "many" is ten, just seven 462 MHz channels would serve a staggering 280,000,000 FRS users, that is, 106% of the U.S. population³ – without *any need* to employ the 467 MHz channels so extensively disputed by commenters.

¹ NPRM at 8.

² Comments of Personal Radio Steering Group (PRSG), page 15.

³ Based on U.S. Bureau of the Census data.

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The NPRM offers no reason for anything approaching such a stupendous number; yet its actual proposed complement of 14 FRS channels would double that huge amount. The NPRM's justification for the amount of spectrum to be allocated to FRS is nonexistent.⁴

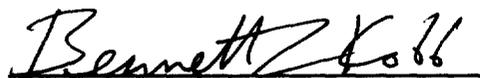
A clear majority of commenters rejected FRS at 467 MHz for substantive technical reasons. Even FRS advocates volunteered no argument why seven 462 MHz channels would be insufficient. Indeed, if FRS were to serve "many millions" of users, then only a *single 462 MHz channel* need be allocated.

Given the documented basis for declining 467 MHz, and the absence of any attempt to rationalize the amount of the allocation, FRS must at the very least be limited to 462 MHz if it is to use the UHF land mobile spectrum at all.

This commenter also adds his complete support for requiring a transmission timeout mechanism⁵ as well as for the other reasonable, cost-effective and non-burdensome hardware-based compliance standards for FRS that the licensee community has advanced in the record.

Respectfully submitted,

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⁴ An agency's notice must provide sufficient detail and rationale for the rule to permit interested parties to comment meaningfully. Fertilizer Institute v. EPA, 935 F.2d 1303, 1311 (DC Cir. 1991) citing Florida Power & Light Co. v. U.S., 846 F.2d 765 (DC Cir. 1988), cert. denied 490 U.S. 1045 (1989).

⁵ Comments of PRSG, page 9.