

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

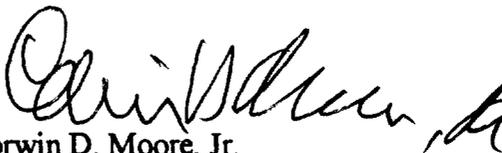
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In the Matter of)
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Amendment of Part 95 of the)
Commission's Rules to Establish a)
Very Short Distance Two-Way)
Voice Radio Service)

WT Docket 95-102

DOCKET FILE COPY ORIGINAL

Petition for Stay

Filed by: 
Corwin D. Moore, Jr.
Administrative Coordinator
Personal Radio Steering Group, Inc.
PO Box 2851
Ann Arbor, Michigan 48106
(313) 662-4533

Date: July 5, 1996

The Personal Radio Steering Group Inc. (PRSG) hereby petitions the FCC to stay the effective date of the rules adopted for the Family Radio Service (FRS), *Report and Order* in WTB Docket 95-102, as adopted May 10, 1996, released on May 15, 1996, and published in the Federal Register on June 6, 1996. PRSG has also filed a *Petition for Reconsideration* in this docket.

PRSG requests that the FCC grant a stay of implementation of the new FRS Rules until the PRSG's *Petition for Reconsideration (Petition)* has been fully considered, an opportunity has been provided for public comment and reply, and the issues raised in that *Petition* have been resolved.

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In support of this request,¹ we note the following:

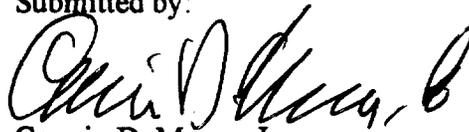
- 1) The PRSG *Petition* explains that the recently adopted FCC Rules governing the FRS fail to prohibit duplexed repeater operation, even though the Commission clearly intended to prohibit such operation. On this and other matters, this petitioner expects that the *Petition* will prevail on its merits.
- 2) If the FRS Rules as adopted are permitted to become effective, this petitioner will suffer irreparable harm. This petitioner (PRSG) and the author of this *Petition* (Corwin D. Moore, Jr.) are both licensees in the General Mobile Radio Service. If the FRS Rules as adopted by the FCC are permitted to become effective, these Rules will fail to prohibit a kind of FRS operation (utilizing FRS units operating in a repeater-station mode) that will interfere with and cause irreparable harm to the lawful GMRS operations of both this petitioner and this author personally.
- 3) Because no operations under the FRS Rules are currently permitted, there is no existing spectrum user whose communications would be harmed if this stay is granted. Entities planning to manufacture equipment for use under the FRS Rules would benefit from having these Rules clarified on the matters raised by the *Petition* before production and sale of FRS units begin.
- 4) The public interest favors the grant of a stay because current GMRS users and potential FRS users will benefit from the earliest possible resolution of the issues raised in this *Petition*.

For the reasons stated above, PRSG requests that the FCC stay the effective date of the rules adopted for the Family Radio Service (FRS), *Report and Order* in WTB Docket 95-102, as

¹ We also note the criteria set forth in *Virginia Petroleum Jobbers Association v. F.P.C.*, 259 F.2d 921 (D.C. Cir. 1958) as explained in *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977).

adopted May 10, 1996, released on May 15, 1996, and published in the Federal Register on June 6, 1996, until the issues raised in the *Petition* have been resolved.

Submitted by:

A handwritten signature in black ink, appearing to read "Corwin D. Moore, Jr.", written in a cursive style.

Corwin D. Moore, Jr.

Administrative Coordinator

Personal Radio Steering Group, Inc.