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MICHAEL C. TRAHOS, D.O.
GENERAL MEDICINE/FAMILY PRACTICE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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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
RM-8499

REPLY COMMENTS IN RESPONSE TO PETITION FOR PARTIAL RECONSIDERATION

Submitted by:

Dr. Michael C. Trahos, D.O., NCE, CET
4600 King Street, Suite 4E
Alexandria, Virginia 22302-1213

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I. INTRODUCTION

1. Dr. Michael C. Trahos, D.O., NCE, CET (Petitioner), pursuant to 47 CFR 1.429 the Federal Communications Commission's (Commission) Rules and Regulations, hereby submits these timely Reply Comments in response to Petitions for Partial Reconsideration (Petition) in response to the Report and Order (FRS Order) in this proceeding.1/

1/ PUBLIC NOTICE, Report No. 2144, July 18, 1996, WT Docket No. 95-102, 61 FR 38448, July 24, 1996.

II.

COMMENTER QUALIFICATIONS

2. Commenter is a licensed and actively practicing **General Medicine/Family Practice Physician and Surgeon**. Petitioner holds the academic faculty appointments of **Clinical Professor of Medicine**, Ross University School of Medicine and **Clinical Assistant Professor of Family Medicine**, Georgetown University School of Medicine. Commenter holds the current position of **Chairman - Legislative Affairs Committee** and was **President (CY '94)** of the Alexandria [Virginia] Medical Society (AMS), was **Vice-Councilor (FY '95)** - 8th U.S. Congressional District of the Medical Society of Virginia (MSV), is **Chairman - Legislative Affairs Committee** of the District of Columbia Osteopathic [Medical] Association, was **Vice-President (FYs '89-90)** of the Virginia [State] Osteopathic Medical Association (VOMA), is **VOMA Virginia State Delegate** to the [National] American Osteopathic [Medical] Association (AOA) House of Delegates, **VOMA Federal Representative** to and **Executive Member** of the AOA Council on Federal Health Programs.

3. Commenter was selected/elected and currently serves as the **"Medical Profession" Representative** on the Technical Committee, **Chairman - Legislative/Regulatory Affairs Committee** and **Special Emergency Radio Service Representative** on the RPRC of the National Public Safety Planning Advisory Committee's

(NPSPAC) Region-20 [State of Maryland, Washington, DC and Northern Virginia] Public Safety Plan Review Committee (RPRC), for the development and implementation of a Public Safety National/Regional Plan (General Docket No. 90-7) for the use of the 821-824/866-869 MHz bands by the Public Safety Services pursuant to the Report and Order in General Docket No. 87-112.

4. Commenter is a certified **First Class Telecommunications Engineer**, with expertise endorsements in Administrative/Regulatory, Antenna Systems, Broadcast AM, Frequency Coordination and Land Mobile Systems, certified by the National Association of Radio and Telecommunications Engineers (NARTE), and possessor of a **First Class Certificate of Competency**, issued by the Association of Public-Safety Communications Officers (APCO). Commenter is a **FELLOW** of The Radio Club of America. Commenter has over twenty years experience in the telecommunications field with many of these years spent actively participating in Commission proceedings.

5. Commenter is licensed in the Amateur Radio Service (ARS), the Business Radio Service (BRS), the General Mobile Radio Service (GMRS) and Special Emergency Radio Service (SERS). Commenter possesses the Commercial GMDSS Radio Maintainer, GMDSS Radio Operator and General Radiotelephone Operator Licenses.

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Commenter has/is serving as a voluntary frequency/CTCSS/DCS GMRS coordinator for the Washington, D.C. Metropolitan area. It is with having the above extensive expertise in dealing with personal, business, medical and emergency/public assistance communications matters that this Commenter is qualified to submit the following REPLY COMMENTS.

III.

REPLY COMMENTS

6. In response to this Commenter's PETITION FOR PARTIAL RECONSIDERATION (PETITION) 2/ to the instant proceeding, Radio Shack Division of Tandy Corporation (Tandy) filed comments stating that said PETITION was superfluous.3/ Tandy states that because both GMRS and FRS users are authorized the use of 462 MHz channels, 47 CFR 95.53 (e)(4) and 95.181 (i)(14) of the Commission's rules prohibiting GMRS communications with unauthorized stations are not applicable, thus permitting GMRS and FRS operators to interservice communicate on their mutually authorized 462 MHz channels.4/ Regrettably, this premise is flawed.

7. Under 47 CFR Part 95, Subpart A, GMRS control and mobile stations are permitted to transmit on mutually authorized 467 MHz channels and GMRS fixed and mobile stations are permitted to transmit on mutually authorized 462 MHz channels. Though one would naturally expect such stations to intraservice communicate directly on their mutually authorized channels, such

2/ PETITION FOR PARTIAL RECONSIDERATION, WT Docket No. 95-102, July 3, 1996.

3/ OPPOSITION TO PETITIONS FOR RECONSIDERATION, WT Docket No. 95-102, July 15, 1996, at page 4.

4/ Ibid.

direct communications are unauthorized and prohibited by Commission rule.5/

8. Simply because FRS and GMRS radio stations operate on mutually permitted frequencies does not imply that communications between such stations is authorized. There does exist ambiguity in the Commission's GMRS rules regarding such interservice communications permissibility, as originally brought forth in this Commenter's PETITION. It is this Commenter's opinion that a significant need exists for the Commission to clarify 47 CFR 95.53 to clearly indicate that interservice communications between GMRS and FRS is permitted on their mutually authorized frequencies.

9. In a separate issue, the Personal Radio Steering Group (PRSG) filed a Petition for Reconsideration (PRSG Petition) requesting the Commission relax the technical standards for FRS operation within the 462 MHz band.6/ Both Tandy 7/ and Motorola 8/ have filed comments in opposition to this request.

5/ 47 CFR 95.59 (c) & 95.61 (b).

6/ PETITION FOR RECONSIDERATION, WT 95-102, July 5, 1996, at Section X, Page 13.

7/ OPPOSITION TO PETITION FOR RECONSIDERATION, WT 95-102, July 15, 1996, at Section A, Page 6.

8/ OPPOSITION OF MOTOROLA TO PETITION FOR RECONSIDERATION, WT 95-102, August 8, 1996, at Page 3.

manufacturers to meet market demands.^{12/} The Commission agreed and adopted overlapping 5 KHz narrowband, 25 KHz standard band and 50 KHz wideband (extra band) technologies in this new LPRS.^{13/} And in so doing, the Commission fulfilled its obligation under the Telecommunications Act of 1996 (the Act).^{14/}

13. Section 257 (a) of the Act states that the Commission shall identify and eliminate regulations that create "market entry barriers for entrepreneurs and other small businesses" to provide telecommunications services.^{15/} Section 257 (b) of the Act states that "the Commission shall seek to promote the policies and purposes of this Act favoring ... vigorous economic competition, ... and promotion of the public interest, convenience and necessity."^{16/}

14. Commission adoption of LPRS bandwidth technology flexibility not only fulfills the public interest and necessity,

^{12/} Ibid., at Section III C, Page 13 - 17.

^{13/} Ibid.

^{14/} 47 U.S.C. Section 257 (Communications Act), as amended by Pub. L. 104-104, 110 Stat. 77 (1996) (1996 Telecommunications Act)

^{15/} Ibid.

^{16/} Ibid.

10. Motorola opposes allowing GMRS 25 KHz technology for the FRS 462 MHz band. Motorola cites PR Docket No. 92-235, the "Refarming" of the 47 CFR Part 90 Radio Services, as basis for requiring 12.5 KHz technology for the entire FRS and to "ease the transition of any future refarming of the GMRS frequencies."9/

11. Yet, Motorola further states that "[g]iven the niche nature of the service, it is important that manufacturers be provided the flexibility to develop applications as the market demands."10/ Motorola's desire for requiring adherence to 12.5 KHz technology for the FRS 462 band would seemingly contradict their later statement and limit manufacturer flexibility, a fact that the Commission has recently addressed in another proceeding.

12. On July 25, 1996, the Commission adopted the Report and Order (LPRS Order) in WT Docket No. 95-56 which created a new 47 CFR Part 95, Subpart G Low Power Radio Service (LPRS).11/ In that proceeding, manufacturers and end users both noted the need for bandwidth technology flexibility, thereby allowing

9/ Ibid., at Page 4.

10/ Ibid.

11/ REPORT AND ORDER, WT Docket No. 95-56, FCC 96-315, July 25, 1996

but promotes vigorous economic competition through removal of market entry barriers, specifically the elimination of unnecessary entrepreneur and other small business research and development costs for those manufacturers who desire only to produce readily type acceptable 25 KHz standard band radio equipment. It allows manufacturers greater freedom to develop and market radio equipment, at ultimately lower prices to consumers, as the market dictates.

14. In lieu of paragraph 13, supra, there are several current radio manufacturers, other than Tandy and Motorola, that produce GMRS type accepted 25 KHz technology equipment capable of immediate use on 462 MHz interstitial/off-set GMRS/FRS channels. Some of these smaller manufacturers may not wish to incur the additional research and development costs to produce 12.5 KHz technology equipment for strictly FRS type acceptance.

15. By relaxing the technical standards for FRS operation only within the 462 MHz band, and confer automatic FRS type acceptance to GMRS 462 MHz type accepted equipment, the Commission would fulfill the requirements of Section 257 of the Act. It would promote greater economic competition, create more industrial and retail jobs for American citizens, lower end-user equipment consumer prices, and comply with Congress' mandate to the Commission.

16. Regrettably, as with most governmental agencies, it has been customary for politics to prevail at the Commission. As such, it will be no surprise to the end user community for the Commission to issue a Memorandum Opinion and Order in favor of Tandy and Motorola. What would be impressive is for the Commission to rule in the favor of the true public interest and adopt a relaxation of the technical standards for FRS operations, allowing for both GMRS 25 KHz and FRS 12.5 KHz technology within the FRS 462 MHz band while maintaining only currently adopted FRS 12.5 KHz technology within the FRS 467 MHz band.

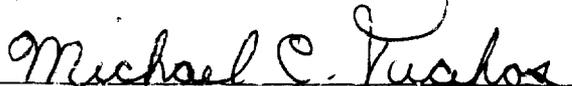
IV. CONCLUSION

17. There exists significant ambiguity in the GMRS rules regarding the permissibility of interservice communications between the GMRS and FRS on mutually authorized 462 MHz channels. It is important that the Commission clarify 47 CFR 95.53 to clearly stipulate that such interservice communications between the GMRS and FRS are authorized and permitted.

18. The PRSG's request that the Commission relax the technical standards for FRS operations in the 462 MHz is justified. Allowing both GMRS 25 KHz and FRS 12.5 KHz technical standards in the FRS 462 MHz band would fulfill the Commission's obligations under the Telecommunication Act of 1996 by promoting greater economic competition amongst manufactures, create more jobs, and lower end user consumer prices.

19. For the reasons precedingly set forth, Commission adoption of the above recommendations are in the public interest.

Respectfully submitted,


Dr. Michael C. Trahos, D.O., NCE, CET