Clint Bradford
Before the Federal Communications Commission
Washington, DC 20554

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In the Matter of	)	
	)	
Amendment of Part 95 of the	)	RM-9107
Commission's Rules to Allow	)	
Organizational Licensing	)	
on GMRS	)	

COMMENTS TO A NOTICE OF PROPOSED RULE MAKING

Filed by:
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Callsign WNMJ906

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Signature Ann W. Stephan
Date 7-16-97

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The Austin Radio Communications Club (hereinafter referred to as the "Club") is a non-profit corporation that operates in Austin, Texas. The Club is a licensee to certain business band licenses (call sign WNMJ906) and owns approximately 40 radios. The Club operates to provide communications support for public events in and around Austin, Texas.

As an example, for the Austin Nature Center's "Safari", a weekend event in a park within Austin, the Club establishes a control station, and, through its members as well as radios provided to organizers of the event, provides for radio communications for general administrative purposes (such as the dispatching of supplies), public safety (such as dispatching of EMS personnel, severe weather announcements, and coordinating efforts to unite lost children and lost parents with each other) and security (cash pick up, change requests, summoning of police, etc.). The Austin Nature Center is a non-profit corporation that operates a small zoo and a museum for children. "Safari" is the nature center's primary fundraising activity, with tens of thousands of Austinites participating.

Additional organizations that the Club supports are Texas Special Olympics, Kerrville Folks Festivals, Pioneer Farms, Round Rock Old Settlers Days, March of Dimes, Big Brothers, Big Sisters of Austin, Austin Travis County Livestock Show, Capitol 10K, Round Rock Bluegrass Festival, Center for Battered Women Walk, Multiple Sclerosis MS 150 Bicycle Tour, Austin Aqua Festival, Teddy Bear Picnic (which raises money to buy teddy bears for police officers to give to kids who are involved in domestic violence) and the Thanksgiving Feast of Sharing.

Beginning in 1983, the Club began purchasing radio equipment that operates in the 460 mhz band and phased out the Citizens Band equipment that it had been using. The Club made extensive use of GMRS frequencies at that time, as these frequencies were not widely used and worked very well for us. Since that time, we have continued to find these frequencies desirable, mostly because many individuals have radios that are crystalled or programmed to those frequencies. We have found that most individuals that own UHF radios have the universal travelers/emergency frequency of 462.675 programmed into their radios. At many of the above events we work with many other groups who also bring radios resources to assist. For example, Austin Aqua Festival, Texas Special Olympics and the Austin Travis County Livestock Show all use over 100 radios to manage their event. It is critical that there be at least some common channels that are available as the various groups that have radios come together to serve the many organizations that need their help. Permitting the use of GMRS for this purpose would be an extraordinarily good solution.

The Club also has made itself available to provide assistance in public disasters and emergencies. Every public event that we work is a potential emergency, as demonstrated by a bomb threat that was made in the midst of Austin Aqua Festival last Summer (shortly after the Atlanta bombing) and a crowd of 25,000 people. Being able to coordinate the use of radios by a number of groups that

may come together on very short notice in a way that permits them to communicate is imperative. GMRS has emerged as the frequencies that many people already have in their radios and which would work best for this purpose.

Under current regulations, it is impossible to use GMRS frequencies legally. Since many people that we permit to operate our radios are not members of the Club and do not regularly use radios, requiring that all users obtain GMRS licenses is impossible. In fact, even requiring all Club members to obtain licenses is extremely difficult. This is made more difficult by the fact that these people are all volunteers, donating their time for the public good, and are usually hard to convince that they should have to pay from their own pockets the fees necessary (which have varied from $35.00 to $85.00) to obtain and renew GMRS licenses. The other option is for the Club could agree to pay those fees for the 30-40 club members. That would be an extreme hardship and would divert funds that are desperately needed to purchase and maintain good quality radio equipment. The last option, which has been chosen to date, is to obtain business band licenses. This has its costs as well. If volunteers show up with their own radios (which many do) we have to ask them to put them away and issue them Club owned equipment, if available.

When we have scanned the GMRS frequencies in Austin, we have found them to be rarely used. Most of the use that we do hear is business use. Since users do not give call signs, we do not know if these are legal/grandfathered uses or if they are unlicensed users. In either event, the original vision that GMRS should be for purely personal and not for business use has failed, resulting in very low legal use of these frequencies. The Club strongly favors permitting non-profits to be licensed to use GMRS frequencies as they were previously.

Although we strongly support the petition, there are two suggestions that we disagree with. First, we oppose Mr. Collier's suggestion of a licensing fee of approximately $150. We believe that the Commission should continue its policy of charging non-profits only the costs incurred by the Commission to process applications. Since applicants would be required to show proof of non-profit status, we believe that the concerns that individuals would form non-profits in order avoid the costs of individual licenses are adequately addressed. In addition, since members of the non-profit operating under the non-profit license would be limited to carrying on conversations relating to the business of the licensee, a group license as suggested in this proceeding would not provide a legal means for individuals to form associations in order to obtain licensing for personal communications.

A second concern is the limitation that only 501c3 organizations would be eligible for licensing as proposed herein. We suggest that group licensing be open to all non-profits. The Club, for example, is a non-profit corporation and is in the process of converting to a non-profit association pursuant to revisions in Texas law that were passed a couple years ago. While it could probably qualify as a 501c3 organization, the Club has not obtained a letter of determination to

that effect. The Club could provide its bylaws and/or other evidence that it operates legally as a non profit organization. However, it could not provide evidence that it has been approved as a 501c3 organization. We believe that this change would permit more of the groups that should receive group licenses to do so with less cost and trouble. As stated above, the GMRS frequencies are underutilized by legal users. While we do not believe that our proposal would result in material increases in licenses or usage, if we are wrong, all that would result is a little more efficient use of this valuable spectrum.

We thank the FCC and the Wireless Bureau for their consideration of our comments.

Cc: Ken Collier