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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Biennial Regulatory Review -- Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87,90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing Systemin the Wireless Telecommunications Services	)	WT Docket 98-20

Comments Filed in Response to a Notice of Proposed Rule Making

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Executive Summary

The Personal Radio Steering Group commends the Federal Communications Commission for initiating this Proposal to implement the Universal Licensing System (ULS). This revision of the licensing process is long overdue.

However, PRSG *vigorously objects* to the use of this rulemaking action to impose **radical changes** on long-established and highly regarded Commission policies regarding *efficient spectrum use*. If these changes are adapted, many current GMRS operations would be **seriously disrupted.**

In particular, PRSG **opposes** the proposals:

- To abandon the current and well-accepted *channel-assignment procecss,* and to permit licensees to operate on *all* GMRS channels;
- To abandon the current restrictions on *point-to-point communications*, an action that would disenfranchise operators of GMRS *mobile* stations (those for whom this service is now primarily intended) and result in a proliferation of spectrum-inefficient and hobby-oriented operations.
- To withdraw the current regulatory requirement that station operators must *receive permission* before using others' stations.
- To remove the current prohibition on the use of repeater input frequencies for *non-repeater* communications, the lack of which protection the FCC has previously determined causes *highly disruptive interference.*

The PRSG requests that the FCC delete *all* proposals in the NPRM that do not relate *exclusively* to implementing the ULS in a manner that preserves *all* of the current information collection processes.

I. Background of the Commenter.

The Personal Radio Steering Group, Inc. (PRSG) is an all-volunteer, not-for-profit corporation established in 1980 by licensees in the General Mobile Radio Service (GMRS, FCC Part 95A) to provide services to and to serve as an advocate for the GMRS personal-use community. The PRSG is the continuation of the GMRS Task Area of the Congressionally-chartered FCC Personal Use Radio Advisory Committee (PURAC, 1976-1978).

The PRSG has published more than 300 different guides to GMRS licensing, technology and operating practices. PRSG's flagship publication, the GMRS National Repeater Guide, lists the more than 3,500 GMRS repeaters, their sponsors, technical characteristics and detailed coverage information. The Guide has become the essential reference to this cooperative, nonprofit communications network for licensed private individuals. PRSG also works closely with major land mobile equipment manufacturers to disseminate instructional materials for radio purchasers.

The PRSG tracks GMRS applications and grants. We provide licensing assistance and frequency recommendations in support of the FCC requirement[1] that all system licensees must cooperate in the selection and use of channels. PRSG staff members and volunteers regularly answer questions about GMRS licensing and usage over the Internet and other national computer networks.

II. There are Basic Guidelines for Effective Rules.

The radio spectrum is a finite resource that must not be squandered. Congress has charged the FCC with identifying legitimate and non-frivolous spectrum uses, and with task of overseeing its administration in a manner that assures the greatest benefit to the public interest, convenience and necessity.

FCC rules exist to establish acceptable use of spectrum, and to distinguish this use from that which is unacceptable or inappropriate for the specific spectrum. The ultimate target of FCC rules is the *spectrum user*. For rules to be effective, they must meet certain fundamental criteria.

1. Rules must be *accessible* to and by the spectrum user.

The public interest is not served if rules are organized in a manner that makes public awareness of and access to those rules more difficult. This is especially true in a radio service that is used directly by and licensed to members of the general public.

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1 FCC rules at §95.7(a).

2. Rules must be *comprehensible* to the spectrum user.

They must be in "plain English" and in as simple language as possible, and should not presuppose any technical background or specialized training to understand. Especially where the rules impose restrictions, the terminology must be unambiguous. The rules should adequately define even simple terms that may be open to misinterpretation.

3. Rules must *derive* from established policy.

Any rule that imposes restrictions or that limits user behavior must derive from some *established* policy or purpose.

4. Rule policies must be stated and *defensible.*

There must be reasonable user consensus on the *objectives* of these policies. The rules must clearly identify these policies.

5. Rules must be *enforceable.*

Compliance must not require some extraordinary effort that is unreasonable to expect from the typical user. In recognition of limited FCC resources to encourage or enforce compliance, rules should lend themselves to *peer enforcement* within the user community.

PRSG objects to the Commission's desire

"... to perform our regulatory functions more efficiently"

— *NPRM*, paragraph 9.

when that efficiency means that the rules remain or become

- less accessible to the spectrum user; or
- less understandable in simple terms; or
- less attributable to stated policy; or
- less enforceable.

Sadly, many of the changes proposed in the *NPRM* take the rules in a direction that is in the *opposite direction* of these desired objectives.

Specific rule sections that the *NPRM* proposes to relocate to Part 1, but which need to remain in Part 95 to comply with the guidelines stated above, include:

- **95.71** (Applying for a new or modified license.)
  In particular, the GMRS rules need to include a description of those modifications (currently in 95.71(e)) that a non-individual licensee may not make. The NPRM proposes to delete the availability of the FCC Form 574-T for temporary licensing, arguing that it

would no longer be necessary once electronic licensing is available. However, at least *some* applicants for the indefinite future will not have the immediate access to a computer and will not be able to use electronic licensing. For them, the availability of the FCC Form 574-T or a similar *paper* instrument will be important to encourage proper registration of and adherence to FCC rules.

- **95.72** (Applying for an STA or waiver of the rules.)
- **95.73** (System licensing.)
- **95.87** (Signature.)
- **95.89** (Renewing a license.)

  The rules will need to provide some method of license renewal that does not require licensee access to a computer.
- **95.111** (Transfer of control of a corporation.)

Cross references to these rules should also be left in place in

- **95.5** (License eligibility.)
- **95.7** (Channel sharing.)

To establish a more definitive description of the *basic purpose* of GMRS from which all authority for subsequent regulatory restrictions would derive, PRSG requests that the FCC amend §95.1 to read:

95.1 The General Mobile Radio Service (GMRS).

(a) GMRS is a *private* land mobile radio service available to persons for *short-distance two-way* communications to facilitate the activities of licensees and their immediate family members. GMRS may be used to provide communications to and from the operators of *mobile* stations. Land stations may use GMRS *only* to communicate with mobile stations.

III. PRSG Supports the Objective of Simplifying and Modernizing the Licensing Process.

Over the past decade and a half, PRSG volunteers have made several presentations to FCC staff seeking simplification in the GMRS licensing process.

The vast majority of new and recent GMRS licenses authorize no more than mobile stations, a small base station and a small control station. PRSG agrees that for these applicants, a simplified application form would be both possible and desirable. For such applications, the following information is all that the FCC would need to request:

1) the licensee name and mailing address;
2) the control point telephone number and address (street or location, city, county and state) in sufficient detail to permit someone not familiar with the area to locate that point;
3) the maximum of *two primary channels* on which the mobile stations and any small base or small control station may operate; and
4) the address (street or location, city, county and state) of each small base or small control station.

However, we have always supported collection of the kind of information *currently* required of applicants for mobile relay stations and for conventional base and control stations. The GMRS community needs this information for user-based coordination and peer-supported enforcement.

This would result in a *two-tiered* application process, a simplified one for the vast majority (probably more than 95%, PRSG estimates) of applications, the other for those applications requesting any land stations other than merely a small base station or a small control station.

PRSG suggests the following language for §95.75:

95.75 Basic Information.

(a) Each applicant for a new or modified GMRS license must supply the following information:
- (1) Applicant's name (see §95.5);
- (2) Applicant's mailing address (an address in the United States where mail from the FCC can be received);
- (3) Transmitting channel or channel pair requested (see §95.29);
- (4) Station class;
- (5) Number of mobile stations (see §95.23);
- (6) Number of small base stations and small control stations (see §95.25);
- (7) Street address of each small base station and each small control station (see §95.25);
- (8) Transmitter power as follows:
  - (i) Transmitter output power in watts for all stations.
  - (ii) Station ERP in watts for all stations other than mobile stations.
- (9) Communications services (see §95.101(c)) the proposed GMRS system would provide to, or receive from, any other individual or entity;
- (10) Age eligibility statement (where required — see §95.5);
- (11) Area of operation of any land station to be operated at temporary, unspecified locations;
- (12) Emission designator. In the GMRS, emission F3E will be considered to include use of a selective calling tone or a tone or digitally operated squelch (a tone code used to address a particular station) in conjunction with voice communications;
- (13) Foreign government certification (see §95.5);
- (14) Frequency claim waiver certification; and
- (15) Applicant's signature (see §95.87).

(b) If the applicant is *not* requesting authorization to operate a mobile relay station, a conventional base station, or a conventional control station, the applicant may use the FCC Form 605 to provide the information in paragraph (a) above.

(c) If the applicant *is* requesting authorization to operate a mobile relay station, a conventional base station, or a conventional control station, the applicant must use the FCC Form 574 to provide the information in paragraph (a) above plus the following information for each mobile relay station, each conventional base station and each conventional control station:
- (1) Transmitting frequency requested for each station (see §95.29);
- (2) Station class;
- (3) Latitude and longitude within one second; and
- (4) Street address (if none, local directions to the station);
- (5) Transmitter power as follows:
  - (i) Transmitter output power in watts.

(ii) Station ERP in watts.

(6) Each control point or points for each remotely controlled land station (see §95.127), including:

(i) Street address (if none, then local directions to the control point);

(ii) Location and method of control (see §95.127); and

(7) Antenna height and mounting structure height (see §95.51), and antenna ground elevation for each station.

The *NPRM* proposes to delete section §95.77 (Additional information for GMRS systems with four or more land stations.).

This requirement exists to enable the Commission to determine if the applicant may plan to conduct fixed-point communications (from one land station to another). PRSG believes this rule section should be retained and *expanded* to protect GMRS *mobile* operations. We propose the following language:

95.77 Additional information for GMRS systems with four or more land stations.

(a) An application for a new or modified GMRS license having land stations (*including* small control stations or small base stations) at *four* or more locations must include a **Functional System Diagram.** This diagram must show details of all of the GMRS stations that the applicant requests, and must describe the points between which the applicant will exchange communications with other stations.

(b) A copy of the functional system diagram must be kept as part of the GMRS system records. (See §95.113).

The *NPRM* proposes to relocate rule section 95.83 (Additional information for stations with antennas higher than normally allowed.) to 95.51. The FCC would continue to collect information about tall antennas and structures. However, the proposed FCC Form 605 contains no provision for collecting this information.

The proposed FCC Form 605 Main Form and Schedule E also contain no provision for collecting the station address information required in §95.25(a), as proposed to be amended in the *NPRM*.

IV. PRSG Objects to the *NPRM*'s Proposing Changes to Basic Spectrum Use Policy.

The FCC has chosen to use this Docket nominally and admirably intended to implement the Universal Licensing System and to simplify rules also to impose **radical and disruptive changes** to long-established Commission policy on spectrum use. PRSG requests that *all* facets of the current *NPRM* not directly and *exclusively* related to the development and implementation of the ULS be removed from consideration.

The GMRS user community is especially incensed about fundamental policy changes concerning:

- channel assignment, especially the proposal to permit "all-channel" operation;
- points of communications, especially the proposal to lift all current restrictions in a manner that would dramatically and negative impact the utility of this spectrum for *mobile* communications; and
- required consent to use other licensees' stations, with specific regard to removal of the current requirements that a GMRS station operator may not communicate or attempt to communicate through a mobile relay station without the consent of that station's licensee.

The *NPRM* fails even to identify these as basic policy changes, and fails to recognize that these new policies are directly contrary to established principles regarding effective spectrum utilization.

V. The *NPRM* Exhibits a Lack of Understanding of Current GMRS Allocations and Use.

The *NPRM* describes the GMRS as follows:

> "Under the current rules, there are *fifteen* frequencies allocated to this service. Applicants may be authorized to use up to ten of these channels."
>
> — *NPRM* at paragraph 93, *emphasis* added.

The *NPRM* confuses "frequency" with "channel." There are actually *twenty-three* frequencies allocated to this service. They are organized in eight channel *pairs* (two frequencies apiece) and seven individual *non-paired* frequencies. The language of the NPRM also reflects an inconsistency in the way in which the existing rules use the terms "frequency" and "channel."

> "(N)o frequency coordination is required; ...."
>
> — *NPRM* at paragraph 94.

However, the current rules *do* require peer-based coordination.

> "All station operators and GMRS system licensees must cooperate in the *selection* and use of channels to reduce interference and to make the most effective use of the facilities."
>
> — FCC Rules at 95.7(a), *emphasis* added.

PRSG assists GMRS users with this peer-based coordination process. However, the user community ultimately relies on information currently maintained in the FCC licensing database to accomplish this user-based coordination.

The *NPRM* proposes to substantially reduce the kind of information currently collected about *all* stations, and about mobile relay stations and conventional base and control stations in particular. Lack of access to this information would make the FCC-required user-coordination process *much more difficult*.

VI. The GMRS User Community Opposes an Unrestricted All-Channel Policy.

The *NPRM* states:

> "We believe that there is no regulatory purpose to be served by limiting the number of frequencies for which a licensee may be authorized or by collecting technical information from applicants."
>
> — *NPRM* at paragraph 94.

PRSG vigorously disagrees. There is a *fundamental regulatory purpose* in channel assignment directly tied to spectrum use and efficiency.

In the earlier PRB Docket 87-265, the FCC proposed an all-channel licensing policy for GMRS. PRSG argued then that all-channel operation in the GMRS would lead *not* to more efficient spectrum utilization, but to *less efficient* spectrum utilization.

There is extensive earlier experience from the Citizens Band Radio Service to support this argument. The first consumer-grade CB radios with an all-channel capability were introduced in the late 1960s. The proliferation of this equipment encouraged *inefficient* spectrum use. CB operators used this all-channel capability *not* to find an *unused* channel for their directed communications (a form of manual "trunking" that would have improved spectrum efficiency), but instead to locate a channel *already in use* in order to *join into* existing "round table" communications exchanges. The CB all-channel capability lead *not* to more efficient use, but to *less* efficient and notoriously undisciplined chit-chat and hobby-type use, even though then current FCC rules expressly prohibited this use.

In our presentations to FCC staff during the pendency of Docket 87-265, we argued that an all-channel GMRS policy would lead to a similar proliferation of inefficient spectrum use by encouraging GMRS use for chit-chat and hobby communications. The FCC recognized the validity of this argument, and adopted the PRSG proposal for what is the current "two-plus-675" policy. This policy permits GMRS applicants to license for up to *two* GMRS channel *pairs*, but also permits mobile operation on the "675 channel pair" (462.675 and 467.675 MHz), even if this is not one of the two *assigned* channel pairs. The rules limit this expanded eligibility just to mobile stations operating under a license issued to an individual person, and just for the purpose of requesting or providing

traveler assistance and emergency communications pertaining to the immediate threat to property or life.[2]

PRSG periodically polls our subscriber base and selected members of the larger GMRS user community. The results of these polls indicate that there is little support in today's GMRS user community for the concept of unrestricted, all-channel operations. We note especially that the proposal to expand to an all-channel eligibility format comes only from the FCC, *not* for the current users of this spectrum.

What little support that exists for expanding the current channel-assignment policy is based on the concept that for traveler assistance and emergency communications, mobile stations might be permitted to operate on *any* GMRS channel pair. This would constitute a new "two-plus-any-for-assistance-or-emergencies" policy.

However, the GMRS "675 channel *pair*" is *already* designated for this purpose. The "675 channel" is the most widely licensed and used GMRS channel pair. The only benefit from expanding to a "two-plus-any-for-assistance-or-emergencies" policy would be in those areas where there is no already existing repeater-based operations on the "675 channel" through which travelers can obtain this assistance.

Operators of GMRS stations authorized under a license issued to an individual person are currently permitted to use *any* of the seven "interstitial" frequencies.[3] This already authorizes *all-channel operation* on these low-power, non-repeater frequencies. PRSG believes that this current all-interstitial-channel policy, together with the current "two-plus-675" policy, is adequate to meet the communications needs of most of the GMRS user community.

However, we would be willing to see the "two-plus-675" policy expanded to a "two-plus-any-for-assistance/emergency use" policy, but *only if* there is broad GMRS-user-community support for this in comments filed to the current Docket.

PRSG requests that the FCC retain essentially the current language of §95.29 (Channels available.), except for changes noted below:

1) Current paragraphs §95.29(b) and (c) should be deleted. The language of the current §95.29(d) is sufficient.

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2 FCC Rules at §95.29(e).

3 See FCC rule §95.29(f).

2) *If* there is support from the GMRS user community, PRSG would support a change in §95.29(e) to permit the use of *any* GMRS frequency or channel pair for traveler assistance and emergency communications.

The *NPRM* proposes to delete rule section §95.31 (Overlap of GMRS systems.). This rule section limits the number of channels that an individual person may license for operation of base or mobile relay stations within a defined area. PRSG requests that this rule section be retained. It *already* allows an existing GMRS licensee to acquire one or more additional licenses authorizing operation on *additional* channels, but *only* if those additional licenses authorize no base or mobile relay station within 64.4 kilometers (40 miles) of any base or mobile relay station already authorized to that licensee.

Those licensees who have a need for an operating authority for more than just *two* channel pairs already have this option available. The expense of the licensing process currently provides a deterrent for the overuse or abuse of multi- or all-channel licensing. The NPRM's proposal to adopt a GMRS all-channel licensing process is simply *unnecessary*. The very limited number of current GMRS licensees who have obtained multiple licenses demonstrates a *lack of need* for expanding beyond the present "two-plus-675" policy.

The *NPRM* also proposes to delete rule section §95.121 (Transmitting channel.), as part of the plan to permit all-channel operation. PRSG requests retention of this rule section.

VII. PRSG Opposes the *NPRM*'s Proposal to Drop Restrictions on Points of Communications.

The current GMRS rules prohibit communications between most land stations (those stations at fixed points specified on the license or authorized to operate at temporary, unspecified points).[4] The current rules also prohibit the use of a GMRS mobile relay station without the consent of the station licensee[5], and restrict *paging* transmissions.

First, GMRS is and must remain a **mobile-oriented** radio service. At UHF frequencies, antenna height is the *primary factor* that determines communications range. Land stations (base stations,

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4 See especially the FCC rules at §95.55 and §95.59.

5 See especially the FCC rules at §95.53(f), §95.59(c), and §173(b)(3).

control stations, and mobile relay stations) typically enjoy a substantial advantage in antenna height, and thus in communications range, over typical mobile (i.e., vehicular and handheld) radios.

If GMRS is to remain viable for *mobile* communications, these lower-antenna-level mobile stations must be protected from interference from higher-antenna-level land stations. In addition, GMRS use for communications between land stations (which have other communications alternatives, including the conventional public switched telephone network) would compromise the efficient use of this spectrum intended and more appropriately used for mobile communications.

There is already provision in the GMRS Rules for limited land-station-to-land-station operation. Such land stations are called "*fixed*" stations, and they may communicate *only* with other fixed stations authorized under the same license. However, of the nearly 20,000 current GMRS licenses, *only three licenses* currently authorize operation of *fixed* stations. Two of those licenses are for use by the same stations but by different families.

Because *fixed station* operation is so inherently incompatible with a mobile-oriented radio service, and because the existing lack of fixed station licensing demonstrates no demand for this restricted-use system design, PRSG requests that the FCC drop eligibility for fixed-station licensing and *all* reference to fixed stations from the GMRS rules. The three existing licenses could be grandfathered in, if they are actually functioning and if other, more appropriate non-GMRS alternatives are not readily available.

The rule sections that should be amended or deleted include §95.21(e), §95.25(c)(4), §95.29(a) and (g), §95.47(a) and (e), §95.49, §95.53(e)(1), §95.55(b)(4), §95.57(b)(5), §95.61, §95.91, §95.129(c)(2), §95.135(d), and §95.621(b).

A search of the FCC licensing database fails to locate *any* GMRS fixed stations operating on non-GMRS frequencies. Some of these stations were earlier "grandfathered" by rule §95.29(g), but the FCC can now delete that rule.

To retain protection for *mobile* communications, PRSG requests that the FCC retain the "points of communications" rule sections (§95.53 through §95.59). With the addition of a *new* rule section §95.52, the FCC can substantially simplify the language of the existing rule sections, as described in sections VII.A and following of these Comments.

The FCC should also retain the current language of §95.25(c) that identifies that available classes of land stations, except that reference to *fixed stations* should be deleted.

Second, the FCC rules must continue to prohibit the **unauthorized use** of mobile relay stations. The *NPRM* proposes to eliminate the current rules [6] that prohibit someone from using a mobile relay station *without the consent* of that station's licensee.

The current and proposed rules require that licensees maintain control over their stations at all times. A mobile relay station licensee's ability to maintain this control would be *seriously compromised* if others were free to use that station without his or her permission.

Licensees of GMRS mobile relay stations want, deserve and urgently need the protection of the current rules that prohibit others from using those stations without consent.

Third, the FCC rules currently contain unnecessary restrictions about GMRS stations that may transmit communications to a pager. The FCC originally intended these restrictions to prevent use of GMRS for commercial paging. The unintended consequence was to restrict the use of paging receivers by personal GMRS licensees for their personal and family communications.

VII.A. PRSG Recommends an Additional Rule Section Regarding Prohibited Points of Communications.

Adding the following *new* rule section would simplify the other "points of communications" rule sections.

95.52 Prohibited points of communications. [*NEW*]

No GMRS station may transmit communications to:
(a) Any station in the Amateur Radio Service;
(b) Any foreign station; or
(c) Any unauthorized station.

VII.B. Changes for §95.53 (Mobile station communications points).

PRSG requests that the FCC replace the existing §95.53 in its entirety with the following language:

§95.53 Mobile station communications points.

(a) A mobile station may transmit communications directly on its assigned or authorized 462 MHz frequencies directly:
(1) to any other GMRS station.
(2) to any paging receiver whose intended recipient is authorized to be a station operator under an existing GMRS license issued to an individual person.

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6 See especially §95.53(e) and (f), §95.57(b), and §95.59(c).

(b) A mobile station may transmit on its assigned or authorized 467 MHz frequency(ies) through a mobile relay station with any *other* GMRS station, but only:
  (1) If that mobile station operator has the permission of the licensee of that mobile relay station; or
  (2) If that *other* GMRS station operator has the permission of the licensee of that mobile relay station.
(c) A mobile station may transmit communications as a radio control link (see §95.127) to a remotely controlled GMRS station.

The language above deletes reference to fixed stations, and removes the prohibition of a mobile station communicating directly to a control station. The latter is an unnecessary restriction, and is better addressed in §95.59 concerning permissible points of communications for control stations. This language would also permit use of the 462 MHz interstitial frequencies for paging, but would limit the intended recipients of paging transmissions.

VII.C. Changes for §95.55 (Base station communications points).

PRSG requests that the FCC replace the existing §95.55 in its entirety with the following *simplified* language:

§95.55 Base station communications points.

(a) A base station may transmit communications on its assigned or authorized 462 MHz frequencies:
  (1) To any mobile station; or
  (2) To any paging receiver whose intended recipient is an eligible station operator under an existing GMRS license.
(b) A base station must not transmit communications to any station other than one permitted in paragraph (a).

VII.D. Changes for §95.57 (Mobile relay station communications points).

PRSG recommends that the FCC amend and simplify rule section §95.57 to read:

95.57 Mobile relay station communication points.

(a) A mobile relay station may automatically (without immediate thought or action by the station operator) retransmit any communications from a licensed GMRS *mobile station*.
(b) A mobile relay station may automatically (without immediate thought or action by the station operator) retransmit communications from a licensed GMRS *control station* only if the control station communications are directed solely to a mobile station.
(c) A mobile relay station may not retransmit any communications between:
  (1) Any control station and any other control station;
  (2) Any other mobile relay station and any station; or
  (3) Any base station and any station.

VII.E. Changes for §95.59 (Control station communications points).

PRSG requests that the FCC amend rule section §95.59 to read:

95.59 Control station communication points.

(a) A control station may transmit communications as a radio control link (see §95.127) to a remotely controlled station.
(b) A control station may transmit communications through a mobile relay station only if:
  (1) The communication is directed to:
    (i) a mobile station; or
    (ii) a pager; and
  (2) The control station operator has the permission of the mobile relay station licensee to communicate through that mobile relay station.
(c) A control station must *not* transmit communications to any other station or under any other condition.

VII.F. Changes for §95.61 (Fixed station communications points).

PRSG agrees that this rule section should be deleted, and requests that the FCC eliminate *all* provisions for *fixed station* operation.

VII.G. A New Definition of Paging Receiver is Needed.

The language of the current rule sections 95.27, 95.55, 95.57 and 95.59 permit transmissions intended for receipt by a paging receiver only from a base station. This is an unnecessary restriction. Transmissions directly from a mobile station (on any assigned or permitted 462 MHz frequency), or from a mobile or control station through a mobile relay station (transmitting on its assigned 462 MHz frequency) should also be permitted.

In addition, the current language of 95.27 and other portions of Subpart A of Part 95 does not prohibit paging intended for receipt by persons who are not eligible station operators under some existing GMRS license. In the absence of such a prohibition, GMRS paging transmissions could be made by a licensee offering commercial paging services. This should be explicitly prohibited.

We propose the following language for 95.27:

95.27 Paging receiver description.

(a) A paging receiver is a radio receiver capable of receiving the radio signals for the bearer to hear a page (someone's name or other identifier said in order to find, summon or notify him/her) *spoken* by the station operator. Non-voice paging is not permitted.
(b) A signal intended to be received by a paging receiver may be transmitted only:
  (1) by a mobile station transmitting on any 462 MHz frequency assigned to or authorized to be used by that mobile station;

(2) by a base station transmitting on any 462 MHz frequency assigned to or authorized to be used by that base station;
(3) through a mobile relay station retransmitting on its assigned channel a signal from any mobile station or control station permitted to communicate through that mobile relay station.

(c) Transmission intended to be received by a paging receiver may be made *only* to and by persons who are eligible to be station operators under an existing GMRS license.

The language of the current §95.29(f)(2) unnecessarily restricts small base stations from transmitting one-way pages. PRSG recommends that the FCC delete this restriction.

VIII. PRSG Opposes Removal of Restrictions on Control Station Power and Antennas.

The number of repeaters (mobile relay stations) licensed in GMRS continues to grow. Increasingly there is overlap in coverage between repeaters on the same channel. This is occurring not just in the largest urban areas, but increasingly in many smaller urban areas and in suburban and rural areas as well.

The number of control stations communicating through repeaters is also increasing. As discussed previously, control stations frequently employ antennas with a height advantage over more typical mobile stations.

If a control station is located within the coverage area of more than just a single repeater, then the transmissions from that control station could interfere with or block use of a repeater *other than* the one through which that control station is communicating. Because of the "capture effect" of FM transmissions, the control station operator might not even hear the second repeater, and might not even know that his or her station's transmissions are causing interference.

The *NPRM* proposes to drop the current requirements [7] that control stations within a large urban area must use directional antennas and reduce their transmitter power. With the proliferation of repeater and control stations, this is the *opposite direction* from what the FCC should be going.

PRSG opposes the *NPRM*'s proposal to drop these requirements. PRSG requests instead that the FCC extend these power and antenna-directivity requirements to include *all* small control stations, even if these stations are *outside* a large urban area. The antenna-directivity requirement should also

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7 See especially §95.47(b), §95.129(c)(1), §95.135(b), and Appendices A and B of Part 95.

be expanded to include all *conventional* control stations as well. PRSG requests that the FCC amend §95.25(d) to read:

(d) A small control station is any control station that:
  (1) Has an antenna no more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted (see 95.51); and
  (2) Transmits with no more than 5 watts ERP (effective radiated power).

PRSG also requests that the FCC amend §95.129(c) to read:

(c) A control station must use a directional antenna (at least 15 decibel front-to-back ratio). That antenna must be located and aimed so that the transmissions from it produce either:
  (1) the *greatest* signal strength at the mobile relay station through which the control station is authorized to communicate; or
  (2) the *minimum* signal strength at every mobile relay station on the same channel through which the station operator is *not* authorized to communicate.

PRSG requests that the FCC retain the language currently in §95.129(d).

FCC rules currently require that small control stations located north of Line A and east of Line C (namely, near the US/Canadian borders) must limit their effective radiated power (ERP) to no more than 5 Watts ERP.[8] This limitation has imposed no particular hardship on current small control stations operated in these areas.

If the FCC were to change the rules to impose power and antenna directivity requirements on *all* small control stations, then the control station power test required in the current Appendix A could be deleted.

We note that FCC rules already limit small *base* stations to a maximum of 5 Watts ERP. Limiting small *control* stations to the same maximum of 5 Watts ERP would allow the same transceiver to be used for both functions without the need otherwise for special, channel-dependent power reduction.

PRSG requests that the FCC amend §95.135(b) to read:

(b) The transmitter output power of a small control station must not exceed 5 watts effective radiated power.

If an applicant or a licensee can demonstrate that a power level greater than 5 watts ERP is necessary to access a mobile relay station through which he or she is permitted to communicate, then FCC rules should require that applicant or licensee to license that station instead as a *conventional*

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8 See FCC rules §95.25(d) and §95.135(c).

control station, and to provide the currently required information on geographic coordinates, ground, structure and antenna heights, etc.

IX. PRSG Opposes Removal of Prohibition on "Input Simplex" Operations.

The FCC considered at length the issue of "input simplex" and "split simplex" operations in PRB Docket 87-265, and concluded:

> (W)e agree with the comments that significant interference to GMRS repeater operation is virtually inevitable due to non-repeater operations conducted on 467 MHz frequencies. We further agree that the best solution is to prohibit simplex operation on the input frequencies of GMRS repeaters.
>
> — *Report and Order*, PRB Docket 87-265, at paragraph 56.

The present *NPRM* proposes to delete this prohibition (§95.29(a)(3)) without justification. These "input simplex" and "split simplex" operations caused much interference before these modes were prohibited. Deleting this prohibition will inevitably cause the return of these problems.

PRSG requests that the language of §95.29(a)(3) be retained as it currently exists.

X. PRSG Opposes Granting "Grandfathered" Non-Personal Licensees Any Expanded Privileges.

Non-personal GMRS licensees were "grandfathered" in by the *Report and Order* in PRB Docket 87-265, but may not expand or to modify their operations. Whether intentional or through oversight, the language proposed in the current *NPRM* would not prohibit such non-personal licensees from enjoying the same expansion of privileges that might be granted to personal licensees.

PRSG requests that non-personal licensees continue to be restricted *only* to the operations granted by their current licenses, and that the FCC *not* permit them any expansion that might be adopted under this docket for personal licensees.

XI. PRSG Recommends Simplifying the Description of a GMRS "System."

Both the current and the proposed rules use the phrase "units of a mobile station" to refer to mobile stations operating under the *same* license. This distinction is largely lost on the GMRS user public. GMRS users perceive each GMRS *mobile transceiver* as a separate *station*, just as they (and even the FCC rules) perceive each GMRS base station as a separate *station*.

Rules must be *comprehensible*, and must employ language that has a commonly understood definition. The FCC should change rule language here and at other locations in Part 95 to delete reference to "units of a mobile station," and to modify other associated language to retain the current restrictions on points of communications.

The FCC should amend the language proposed for §95.21 to read:

(b) One or more mobile stations (see Sec. §95.23);

...

As previously discussed, the FCC should eliminate reference to and eligibility for *fixed* stations, so that §95.21 would read:

...

(c) One or more land stations (optional); and
(d) Paging receivers (optional).

The FCC should delete the language proposed for §95.21(e) (referring to fixed stations).

The FCC should also amend the proposed language for §95.25(a) to delete use of "unit," and to restore clear eligibility for licensing for land stations to be operated at temporary, unspecified locations. That paragraph should read:

(a) A *land station* is a station that transmits only from:
  (1) an address shown on the license; or
  (2) an unspecified point with an operating area as shown on the license for a temporary period (one year or less).

PRSG otherwise supports the NPRM's proposal to delete language of the current §95.21(b) (referring to *fixed* stations) and §95.21(c) (defining station operating modes).

XII. PRSG Recommends That the FCC Clarify Licensee Duties.

PRSG supports the expansion of the current language of §95.103(a), to include reference to the licensee's obligation to determine who can be a station operator. However, we believe the language needs to be more specific. We suggest the following:

(a) The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for permitting only eligible parties to be station operators (see §95.179).

The *NPRM* provides no justification for its proposal to delete the current requirement (§95.103(b)) that licensees must have physical access to their equipment. Although similar language would remain in §95.33, that section applies *only* to stations operated under a written coopera-

tive/shared agreement. The current language in §95.103(b) (that permits multiple parties who have all licensed for this station to appoint just one of their group to have station access) would be deleted and not repeated in any other new or revised rule.

We believe that the FCC should retain the requirements of §95.103(b) as they exist in the current rules. Licensees cannot meaningfully exercise control over the licensed equipment unless they have access to it.

The *NPRM* also provides no justification for its proposal to delete the current requirement (§95.103(c)) that the licensee must modify his/her license if certain conditions change. Although other language in the current and proposed rules for Part 95, Subpart A, requires the licensee to modify the license if certain changes are made, nowhere other than in the current §95.103(c) is there a requirement for this modification if *any* of the conditions of the license changes.

We believe that the FCC should retain the requirements of §95.103(c) as they exist in the current rules.

XIII. The FCC Must Define System Records.

The *NPRM* proposes to delete this section in its entirety, yet to retain reference to "station records" in other rule sections. (For instance, see §95.115.) This doesn't make sense. The licensee must retain certain system records, and the rules need to define what those records include.

However, the FCC can simplify this rule section by deleting the current §95.113(b)(7). PRSG proposes that the FCC require that *each small control station* employ a directional antenna and limit its transmitter power to 5 watts ERP. If those conditions are met, then the FCC can drop the current requirements in Appendix A regarding making a control station power test.

IXV. Current Station Identification Requirements Should Not be Relaxed.

The *NPRM* proposes to delete language in §95.119(d)(1) and (2) that clearly defines how the station must identify by callsign. This language establishes important performance parameters for intelligibility of callsign identification. The *NPRM* provides no justification for the deletion of these important standards. PRSG requests that the FCC retain the current language.

The *NPRM* proposes no change to §95.119(e). Some GMRS operators want to believe that this language relieves station operators of the obligation to identify by FCC callsign if the mobile relay

station through which they communicate *does* identify properly. We request that the FCC modify the current §95.119(e) to add of the following sentence:

(d) ... A mobile station or a control station communicating through a mobile relay station must still identify in accordance with the provisions of §95.119(a), and is not relieved of that obligation because the mobile relay station *does* identify by FCC callsign.

XV. The FCC Needs to Clarify Station Control and Remote Control.

The *NPRM* proposes to delete this section and the following rule section, but gives no justification whatsoever. This is precisely *the wrong direction* for the rules to go. The result would be *even less* supervision of and responsibility for station operations, and *even more* interference and disruptive behavior by some GMRS rules violators.

PRSG requests that the FCC retain the current language in this rule section, and expand it as follows:

§95.125 Station control point.

(a) Each station in a GMRS system must have a control point (where the station operator can perform the required duties (see §95.173)).
(b) The control point for each station must be at that station, unless the license authorizes that *specific* station to be controlled from a remote point.

Prior to modification of the GMRS rules in the late 1970s to authorize the operation of mobile relay stations, these stations were classified and licensed as *remotely controlled base stations*. Some GMRS licenses first issued before the late 1970s still identify stations that are actually operated as mobile relay stations instead merely as base stations.

The *NPRM* proposes to delete §95.125 and §95.127, but gives no justification whatsoever. The current language is overly broad, and is cited by some GMRS users as the authority that permits them to link cross-channel mobile relay stations by the use of supposedly remotely controlled *control stations* that are colocated with mobile relay stations, although the current rule language (§95.57(b)(3)) specifically prohibits such repeater linking.

The language of the current rules (§95.125) also requires that an applicant must identify, and the license must specify, which stations are to be remotely controlled. However, this information is currently neither collected during the application process nor specified on the license. Elsewhere in these comments, PRSG proposes that this specific information should be both required on the application and printed on the license.

The language in the current rules could also be interpreted to permit the establishment of mobile relay stations, but arguably licensed as and called "remotely controlled small base stations," transmitting on the "interstitial" frequencies shared by the GMRS and the Family Radio Service (FRS) in the 462 MHz band, and receiving on the equivalent (5 MHz higher) FRS-only frequencies in the 467 MHz band.

PRSG has found that some FCC employees do not understand the intent of the current rules, and that they have interpreted the current rules *not* to require that the licensee of a mobile relay station *must* have a control link to be able to cause that station to *cease* transmitting. This erroneous interpretation is apparently based on a misreading of the language in current rule §95.127(a) that suggests that a station operator "may" control the station from a remote point. What the current rule clearly intends is that *if* a station is controlled from a remote point, *then* there *must* be a control link.

For the reasons cited above, PRSG proposes the following *replacement* language for §95.127:

§95.127 Controlling a station from a remote point.

(a) If the license for a *mobile relay station* authorizes the licensee to control that station from a remote location, that station must not transmit unless the licensee employs a control link that can cause that mobile relay station's transmitter to cease operating. That control link must be either:
  (1) A wireline control link (solely for purposes of transmitter control (see §95.181(i)(13) and §95.141); or
  (2) A radio control link.

(b) If the license for a *base station* authorizes the licensee to control that station from a remote location, that station must not transmit unless the licensee employs a wireline control link that can cause that base station's transmitter to cease operating. That base station may not retransmit signals from any other radio station. That base station may not employ a radio control link.

(c) A remotely controlled station must not make unauthorized transmissions.

(d) The station operator must perform the required duties (see §95.173) when controlling the station from a remote point the same as when controlling it locally at the station point. Should the control link fail to function so that the station operator cannot perform the required duties, the remotely controlled station must not transmit.

(e) The licensee of a GMRS station authorized to be operated by remote control must maintain in the station records a description of how that licensee operates that station by remote control. (See §95.113.)

(f) No mobile station, no control station and no small base station may be operated by remote control.

(g) The FCC does not consider a station in a GMRS system as being remotely controlled if the connection is a wireline or mechanical control link, and the station and its control point are both:
  (1) On the same vehicle; or
  (2) At the same street address, or within 152 meters (500 feet) of each other.

(h) Any device used to establish a wireline control link that is attached to the public switched telephone network after April 1, 1976 must be registered with the FCC and must comply with the standards incorporated in a registration program to protect the public switched telephone network from harm (see Part 68 of the FCC Rules).

XVI. The FCC Should Retain Current Requirements and Restrictions Pertaining to Servicing and Modifying Station Transmitters.

The *NPRM* provides no justification for the deletion of §95.131. Although some language in this rule section is duplicated elsewhere, most of the language here establishes important standards with which *all* GMRS licensees *must* comply. Failure to retain these requirements would result in increased interference to GMRS operations.

PRSG requests that the FCC retain §95.131(b) and (c) as the language currently exist, but to modify §95.131(a) to read:

(a) The GMRS licensee shall provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation of each station authorized by the license.

The *NPRM* provides no justification for the deletion of §95.133. These restrictions are important to prohibit unauthorized or unqualified persons from modifying GMRS transmitters. PRSG requests that the FCC retain the current language and the cross reference to this rule section in §95.129(b)(2).

The *NPRM* proposes to modify §95.135(d) to apply to *all* fixed stations. As previously discussed, there remain only *three* licenses that authorize fixed station operation. PRSG believes either that the FCC should eliminate this station class altogether, or (as a minimum) that the FCC should grandfather in the remaining three licenses and allow no more.

XVII. Licensees Adding or Moving Small Base Stations or Small Control Stations Should Still Be Required to Modify Their Licenses.

The *NPRM* proposes to delete §95.137 and §95.139(b). As we discussed in conjunction with §95.75 above, PRSG believes that it is important for the FCC to collect this information during the licensing process, to specify this information on the license, and to make this information available to the public through access to the FCC's licensing database.

PRSG requests that the FCC retain the language currently in §95.137(a) and §95.139(b). The language of §95.137(b) would need to be modified to include reference to the availability of electronic licensing.

XVIII. The FCC Should Retain and Clarify Station Operator Duties.

Current rule sections §95.171, §95.173 and §95.175 are *critical* in *defining station operator and station licensee responsibilities*. The FCC must carefully consider the language that should be used here.

The *NPRM* proposes to combine the contents of these three rule sections into a single section. PRSG agrees that these sections can and should be combined, and can be renamed: **Station operator duties.**

However, the *NPRM* proposes language that fails to incorporate certain requirements that are either implicit or explicit in the current rules, or that are ambiguous in both the current and proposed rules.

First, the FCC rules fail to establish *objective and realistic criteria* for what constitutes "control" of a station. The current rules permit a GMRS station to be controlled from a remote location, and also require that a *control operator* be present at that *control point* whenever that station authorized to be remotely controlled is actually transmitting.

This is both an *unrealistic* and an *unnecessary* requirement. It obliges the licensee (or, presumably, someone eligible to be an operator under the license) of that station to be remotely controlled to be physically present at the *control point* specified on the license.

Instead, the FCC rules should establish an objective *performance* requirement. Namely, the *licensee* of that mobile relay station authorized to be controlled from a remote point must be able to cause that transmitter to *cease* transmitting. This can be done from locations other than the identified control point, for instance by dial-up wireline control, or by a radio link. As previously discussed, the significance is *not* really in *how* or *from where* that control is exercised, but in *what* control can be exercised. The licensee must be able to cause the remotely control mobile relay station to *cease* transmitting.

Second, §95.173(b)(3) currently prohibits the operator of any GMRS station

> "from making any transmission that may have the reasonably anticipated effect of causing improper operation of others' equipment; ..."

The FCC added this language specifically at PRSG's request in the *Report and Order* in PRB Docket 87-265.

The *NPRM* proposes to delete this language, but fails to justify this action. This deletion would remove any legal obligation for the operator of a mobile or control station to cease using or attempting