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Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Re.: Petition for Rulemaking
In the Matter of

Amendment of Section 95.413(a)(9) CB Rule 13
Prohibition of Communications or Attempts to
Communicate with Citizens Band Stations
More Than 250 Kilometers (155.3 Miles) Away.

Petition for Regulatory Relief of Burdensome
And Unnecessary Rule that Inhibits the Public's
Simple and Unencumbered Access to this
Communications Service.

29 October 1999

Greetings:

Please accept the enclosed petition for rulemaking in reference to the above captioned subject.

Regards,


Alan Dixon

Encl.: (10) copies

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Popular Communications

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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And Unnecessary Rule that Inhibits the Public's)
Simple and Unencumbered Access to this)
Communications Service.)

GREETINGS:

SUMMARY

Although Subpart D Citizens Band (CB) radio is intended as a short range communications service¹, users should not have to concern themselves with the possibility of inadvertently contacting another CB station farther than presently permitted by rule. Further, CB operators should not be constrained from contacting distant CB stations in order to facilitate communications necessary for personal convenience, navigation, traveler assistance, and least of all emergencies and disaster communications.

The propagation characteristics of frequencies surrounding the 11-meter band are well understood to be capricious² and, in as far as the average consumer is concerned, unpredictable.

Utilizing a consumer device such as a CB radio should be a simple and unencumbered process. A user should need only to exercise common sense and courtesy, not possess a technical understanding of High Frequency (HF) radio wave propagation, nor a regional geographic frame of reference limited to an arbitrary radius.

DISCUSSION

Whereas; the Federal Communications Commission (Commission) has objectively stated that unnecessary and burdensome regulations should be eliminated or streamlined³.

Whereas; the CB Radio Service is intended primarily for use by consumers and small entities⁵, rather than by trained or licensed operators or technicians.

Whereas; in spite of sporadic communications that do occur beyond the existing 155.3 mile limit, such communications will not substantially alter the primary use of CB as a short range communications service. This has been well evidenced for decades, particularly through and during the previous and present 11 year solar cycle peaks. Such long distance (DX) communications can and do occur on a frequent basis, with or without the knowledge of the operators involved. Such DX communications have not materially affected the given short distance purpose use of the CB Radio Service, as demonstrated by the functional, actual everyday use of short distance CB radio communications by such entities as over-the-road truckers, automobiles travelling in groups or caravans, and neighborhood watch groups.

Admittedly, there are times when communications from distant stations do interfere with local

communications. This occurs however, whether the distant interfering station is communicating with a local station, with respect to the station being interfered with, or with another distant station. There is little operational control that can be exercised by any party in this example, except common courtesy under existing CB radio traffic rules relating to permitted communications and priority of traffic.

Whereas; nothing in this petition seeks to permit the operation of other than presently type accepted or certified CB radio equipment. This petition does not in any way seek higher authorized transmitted power output levels or expanded operating frequencies or any sort of reformed channelization plan. Additionally, nothing in this petition seeks to change or add to existing modes of communication presently authorized in the CB Radio Service.

Whereas; CB communications utilizing authorized 12 watt Single Sideband (SSB) mode are more likely than 4 watt Amplitude Modulated (AM) signals to travel longer distances by means of ionospheric reflection (skip)⁵. Additionally, these higher power SSB signals are more likely to travel greater distances as ground waves as well⁶. Therefore, it is even more difficult for SSB mode users to determine the range of their communications without actually first establishing an errant DX contact.

Whereas; emergency communications should *never* be subject to any law, rule, or regulation inhibiting the immediate transport of such message to *any* station in a position to render aid or to forward such message.

Whereas; disaster relief communications, including tactical relief logistics, health and welfare traffic, and point-to-point communications between and among relief and public safety agencies, organizations, and individuals need not be restricted from making maximum use of the low cost and ease of deployment of CB radio equipment to mitigate the effects of such disaster.

Whereas; motorists and other travelers need simple access to their CB communications without regard to having to assess their immediate location in reference to other potentially distant stations. This is particularly true for motorists who are presently required to know not only their instantaneous location, but also potential distances of stations contacted. The present rules require such traveler to figure a dynamic regional geography extending well beyond 155.3 miles, in order to avoid fear of running afoul of this regulation simply by keying the microphone and contacting the “wrong” station. Relief of the distance of communications limitation will enhance driver safety by allowing CB operators, while driving, to complete their communications promptly and thereby devote more attention to the operation of the vehicle.

Whereas; CB calls and communications for the purpose of determining the utility and operational ability of legally authorized CB station equipment and antenna systems should be unencumbered of distance limitations. Such relief will enhance the value of such test calls and communications, and establish operator confidence in both the reliability and limitations of the band and such CB station equipment. Such on-air testing including DX calling would not materially disrupt the existing, ongoing, purposed, and predominantly de facto use of the CB Radio Service as primarily a short distance communications service. Again, this scenario has been well evidenced for decades, particularly through and during the previous and present solar

cycles. And still again, such DX communications have not materially affected the given short distance purpose use of the CB Radio Service, demonstrated by the functional, actual everyday use of short distance CB radio communications by such entities as over-the-road truckers, automobiles travelling in groups or caravans, and neighborhood watch groups.

Whereas; the absence of the 155.3 mile CB communications limit will serve to relieve FCC enforcement personnel of a portion of their workload, freeing such resources for more important enforcement issues such as dealing with cases of patent abuse of the band including malicious interference, profaning, and music broadcasting.

Whereas; until contact with another CB station is actually commenced, the calling CB operator has no way of knowing if the station contacted lies within or without the presently authorized 155.3 mile radius! Thus, inadvertent and otherwise innocent violations of the 155.3-mile distance limitation do occur. Consumers must be protected from this unreasonable, unnecessary, ineffective, and no longer useful regulatory burden.

SEEKING

Now therefore; this petition seeks regulatory relief by these means:

- 1.) Immediate repeal of 47 CFR §95.413(a)(9) found within CB Rule 13, herein paraphrased:
“You must not use a CB station-- ... To communicate with, or attempt to communicate with, any CB station more than 250 kilometers (155.3 miles) away;”

2.) Modification of 47 CFR §95.413(a)(11) found within CB rule 13, herein paraphrased:
“You must not use a CB station-- ... To communicate with stations in other countries, except General Radio Service stations in Canada;”. This section should be modified to permit communications with stations in other countries, subject to any restrictions or exclusions that may be imposed by either the International Radio Regulations of the International Telecommunications Union, or of the government of any country affected so by. In any event, unrestricted distance of CB communications must be allowed within or over any area of the world where radio services are regulated by the FCC, including within the territorial limits of:

The fifty United States.

The District of Columbia.

Commonwealth of Puerto Rico.

The Caribbean Insular areas under the jurisdiction of the FCC.

The Pacific Insular areas under the jurisdiction of the FCC.

Any other area of the world, except within the territorial limits of areas where radio services are regulated by--

An agency of the United States other than the FCC. (Subject to its rules.)

Any foreign government. (Subject to its rules.)

An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your CB station according to any applicable treaty to which the United States is

a party⁷.

The present authorization to communicate with said Canadian stations must continue to be embraced. Further, any rule change relative to this petition must clarify that such communications with Canadian stations is always permitted, any extant distance of communications restriction notwithstanding, whether or not such had been the original intent of §95.413(a)(11).

- 3.) Modification of 47 CFR §95.418(b) found within CB rule 18, herein paraphrased: “How do I use my CB station in an emergency or to assist a traveler? ... When you are directly participating in emergency communications, you do not have to comply with the rule about the length of transmissions ... You must obey all other rules.” The statement “You must obey all other rules.” is unnecessary, must be stricken, and language inserted that adds in essence, “You do not have to comply with any rule about communicating with or attempting to communicate with any CB station more than any specified distance away.” This change is necessary to expedite response of emergency services in an emergency, so as not to further endanger life safety or property.

- 4.) Modification of 47 CFR §95.418(c) found within CB rule 18, herein paraphrased: “How do I use my CB station in an emergency or to assist a traveler? ... You may use your CB station for communications necessary to assist a traveler to reach a destination or to receive necessary services. When you are using your CB station to assist a traveler, you do not have to obey the rule about length of transmissions ... You must obey all other rules.” The statement “You must obey all other rules.” is unnecessary, must be stricken,

and language inserted that adds in essence, “You do not have to comply with any rule about communicating with or attempting to communicate with any CB station more than any specified distance away.” This change is necessary to expedite information of necessity or convenience to motorists and other travelers.

The proposed rule changes herein are clearly in the interest of the public interest, convenience, and necessity and appropriate to the new deregulatory momentum⁸ of the Commission. Your careful and prompt consideration is greatly appreciated.

SUBMITTED

This day, 29 October 1999

Alan Dixon



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NOTES

1 47 CFR §95.401 (a).

2 American Radio Relay League, *Handbook* (Newington, CT: ARRL, 1996) 21.5.

3 William Kennard, "A New Federal Communications Commission for the 21st Century,"
Testimony before the House Subcommittee on Telecommunications, Trade, and
Consumer Protection on Reauthorization of the Federal Communications Commission,
Washington, 17 Mar. 1999. I.A., II.B.

4 47 CFR §95.401(a).

5 American Radio Relay League, *Handbook* (Newington, CT: ARRL, 1996) 21.9.

6 American Radio Relay League, *Handbook* (Newington, CT: ARRL, 1996) 21.2.

7 47 CFR §95.405, to wit:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

(1) The fifty United States.

(2) The District of Columbia.

Caribbean Insular areas

(3) Commonwealth of Puerto Rico.

(4) Navassa Island.

(5) United States Virgin Islands (50 islets and cays).

Pacific Insular areas

(6) American Samoa (seven islands).

(7) Baker Island.

(8) Commonwealth of Northern Mariana Islands.

(9) Guam Island.

(10) Howland Island.

(11) Jarvis Island.

(12) Johnston Island (Islets East, Johnston, North and Sand).

(13) Kingman Reef.

(14) Midway Island (Islets Eastern and Sand).

(15) Palmyra Island (more than 50 islets).

(16) Wake Island (Islets Peale, Wake and Wilkes).

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by--

(1) An agency of the United States other than the FCC. (... subject to its rules.)

(2) Any foreign government. (... subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your CB

station according to any applicable treaty to which the United States is a party.

⁸ William Kennard I.A., II.B.