

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of section 95.413(a)(9) CB Rule 13) RM-9807
Prohibition of Communications or Attempts to)
Communicate with Citizens Band Stations)
More Than 250 Kilometers (155.3 Miles) Away)

To: The Commission

**Comments of the
National Association of Broadcasters**

The National Association of Broadcasters (“NAB”)¹ submits these comments on the above-referenced Petition for Rulemaking. The Petition should be denied because, contrary to the claims of the Petitioner, the regulation limiting Citizens Band (“CB”) radio transmissions is still necessary and is not burdensome to law-abiding CB radio operators.

Consumers must be protected from illegal CB radio transmissions that interfere with radio, television, telephone, and other forms of electronic communication. Just last week, the Commission issued its latest forfeiture order to a CB radio operator who was transmitting at a power level in excess of that permitted under the Commission’s rules.² This operator’s transmissions were “causing widespread interference to telephones and

¹ NAB is a nonprofit, incorporated association of radio and television stations and broadcasting networks. NAB serves and represents the American broadcasting industry.

² *In re William L. Leavell*, NAL/Acct. No. 915ST0003, DA 00-231, released February 9, 2000.

home electronic devices in the area.”³ It is operators like this one for which Section 95.413(a)(9) is needed.

In 1994 the Commission published the results of a study that it conducted concerning interference to telephones.⁴ This survey found that “citizens band stations accounted for half the telephone interference cases.”⁵ As last week’s enforcement action and this study indicate, CB radio transmissions are clearly a major source of interference in many homes. And, as last week’s enforcement action emphasizes, some CB radio operators continue to operate their equipment at illegal power levels, thus increasing their interference to other electronic devices. Lifting the restriction in Section 95.413(a)(9) will only serve to encourage these law-breakers to operate at power levels in excess of those permitted under the Commission’s rules.

The Petitioner says, “users should not have to concern themselves with the possibility of inadvertently contacting another CB station farther than presently permitted by rule.”⁶ We are unaware of any instances where the Commission has initiated an enforcement action against a CB radio operator whose transmissions inadvertently violated the requirements of Section 95.413(a)(9) due to unpredictable atmospheric conditions. In cases where such violations occur, the Commission’s enforcement personnel certainly have some discretion in how they apply this rule. Should the violation be intentional, however, enforcement action would be appropriate. The rule, therefore, does not impede normal operation of CB radios.

³ *Id.*

⁴ Federal Communications Commission, Field Operations Bureau, *Telephone Interference Survey*, May 2, 1994.

⁵ *Id.* at 3.

In short, Section 95.413(a)(9) is not a burden on CB operators or Commission enforcement personnel. It is, however, necessary to deter CB operators who are inclined to operate at power levels in excess of those permitted by the Commission's rules.

Respectfully submitted,

NATIONAL ASSOCIATION OF
BROADCASTERS
1771 N Street, N.W.
Washington, D.C. 20036
(202) 429-5430

Dave Wilson
NAB Science & Technology

Henry L. Baumann
Jack N. Goodman

February 14, 2000

⁶ *Petition* at 1.

Certificate of Service

I, Angela Barber, hereby certify that I have, this 14th day of February, 2000, caused to be sent by mail, first class postage prepaid, a copy of the foregoing “Comments of the National Association of Broadcasters” to:

Alan Dixon
1895 Nichols Landing Way
Dacula, Georgia 30019-4823

Angela Barber