

Alan Dixon  
General Radiotelephone Operator  
2721 Madera Circle, Melbourne, Florida 32935-5594  
312-254-8727 phone/fax  
n3hoe@arrl.net

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR 20 2001

FCC MAIL ROOM

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Re.: Petition for Clarification and Partial Reconsideration )  
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 Clarification of Burdensome And )  
Unnecessary Rule that Inhibits the Public's )  
Simple and Unencumbered Access to this )  
Communications Service, )  
And for Partial Reconsideration of Denial of )  
Original Petition. )

RM-9807 /  
DA 00-1907

11 March 2001

Greetings:

I am writing to inquire as to the status of the above-captioned, timely-filed Petition for Clarification and Partial Reconsideration. I have not seen this item posted at the FCC Web site. I have received no correspondence in reference to this, nor have I seen this item either reopened for comment or dismissed, in either the *Federal Register* or in the FCC Daily Digest. Please respond.

Many Thanks,



Alan Dixon  
CORES FRN # 0003-3350-56

No. of Copies rec'd 0  
List A B C D E

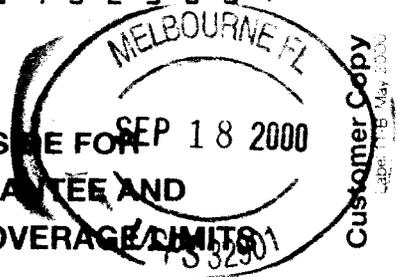
Encl.: Copy of Petition for Clarification and Partial Reconsideration and copy of cover letter of 17 September 2000.

Contributing Editor  
Popular Communications

**POST OFFICE  
TO ADDRESSEE**



ORIGIN (POSTAL USE ONLY)			
PO ZIP Code	Day of Delivery		Flat Rate Envelope
Date	Next	Second	Postage
Mo. Day Year	12 Noon	4 PM	\$
Time In	Military		Return Receipt Fee
AM	PM	2nd Day 3rd Day	COD Fee Insurance Fee
Weight	Int'l Alpha Country Code		
lbs.	ozs.	Acceptance Clerk Initials	Total Postage & Fees
No Delivery			\$
Weekend	Holiday		



**SEE REVERSE SIDE FOR SERVICE GUARANTEE AND INSURANCE COVERAGE LIMITS**

Customer Copy  
Valid to May 2000

CUSTOMER USE ONLY	
METHOD OF PAYMENT	<p><small>WARNING OF SIGNATURE CHANGE ONLY: If your delivery is to be made without obtaining signature of addressee or authorized delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.</small></p> <p>NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday</p> <p>Customer Signature _____</p>
FROM: (PLEASE PRINT) PHONE (321) 254-8727	TO: (PLEASE PRINT) PHONE ( )
Alan Dixon, N3HOE 2721 Marland Circle Melbourne, FL 32935-5594	Federal Communications Commission 445 12th Street S.W. Washington, DC 20554
<p>FOR PICKUP OR TRACKING <a href="http://www.usps.com">www.usps.com</a> </p>	

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to: **Federal Communications Commission**  
**The Portals**  
**445 12th Street S.W.**  
**Washington, DC**  
**20554**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) <i>P. P. Howard</i>	B. Date of Delivery <i>9/19/00</i>
C. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

**RECEIVED**  
SEP 19 2000

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Article Number (Copy from service label)  
**EF073619523US**

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

*[Faint, illegible text from reverse side of envelope]*

**DOCKET FILE COPY ORIGINAL**

*Alan Dixon  
General Radiotelephone Operator  
2721 Madera Circle, Melbourne, Florida 32935-5594  
312-254-8727 phone/fax  
n3hoe@arrl.net*

**Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554**

<b>Re.: Petition for Clarification and Partial Reconsideration</b>	)	
<b>In the Matter of</b>	)	
	)	
<b>Amendment of Section 95.413(a)(9) CB Rule 13</b>	)	
<b>Prohibition of Communications or Attempts to</b>	)	<b>RM-9807</b>
<b>Communicate with Citizens Band Stations</b>	)	<b>DA 00-1907</b>
<b>More Than 250 Kilometers (155.3 Miles) Away.</b>	)	
	)	
<b>Petition for Clarification of Burdensome And</b>	)	
<b>Unnecessary Rule that Inhibits the Public's</b>	)	
<b>Simple and Unencumbered Access to this</b>	)	
<b>Communications Service,</b>	)	
<b>And for Partial Reconsideration of Denial of</b>	)	
<b>Original Petition.</b>	)	

**17 September 2000**

**Greetings:**

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

**Regards,**

**Alan Dixon  
CORES FRN # 0003-3350-56**

**Encl.: (10) copies**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

**RECEIVED**

MAR 20 2001

**FCC MAIL ROOM**

Petition for Clarification and Partial Reconsideration )  
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 Clarification of Burdensome And )  
Unnecessary Rule that Inhibits the Public's )  
Simple and Unencumbered Access to this )  
Communications Service, )  
And for Partial Reconsideration of Denial of )  
Original Petition. )

RM-9807  
DA 00-1907

**GREETINGS:**

**SUMMARY**

In DA 00-1907, the Wireless Telecommunications Bureau has denied RM-9807, a motion to repeal Section 95.413(a)(9) CB Rule 13, prohibition of communications or attempts to communicate with Citizens Band Service Stations more than 250 kilometers (155.3 Miles) away. The reasons for denial are enumerated in DA 00-1907. However, in its action, the Bureau has neglected to address one key point of the original petition. This point concerns the special case of emergency communications, and the necessity of not placing a limit on distance of communications where life safety and the health and welfare of individuals may be involved.

## DISCUSSION

The original RM-9807 states in part, “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.” It further states in part, “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.

Indeed, life safety has always been of paramount importance in radio communications. No further elaboration is needed. Further, CB radio by its mere simplicity and pervasiveness can be a powerful tool in disaster mitigation and relief. When other channels of communication have been disrupted or overloaded, the Citizens Band Radio Service can provide an instantly deployable facility to provide essential communications, available to all persons, regardless of technical background. A disaster scenario is certainly not an everyday situation, and long distance communications under such circumstances would not be an occurrence so frequent as to substantially disrupt regular, local CB communications.

## SEEKING

This petition seeks two things. First, this petition seeks clarification on whether the Federal Communications Commission ever intended to actually place a limit on distance of communications in situations where safety of life is concerned. This petition asks if such a limit, in such a circumstance, exists *de facto* in spite of what appears to be prohibited *prima facie* (47

CFR §95.418(b) found within CB rule 18). A definitive ruling is needed to resolve confusion within the CB radio community.

Second, this petition asks for a rule change to specifically permit, and to specifically not prohibit emergency communications in excess of 155.3 miles in the Citizens Band. The original petition was seeking in part, “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.” That petition was further seeking, “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.” This petition again asks for such a rule change.

A fearsome question of liability rests on the shoulders of those who would respond to distress calls in the Citizens Band Radio Service. If a CB operator responds to a distress call from a station in excess of 155.3 miles away, will he or she be held liable for his or her act? Likewise, if a CB operator fails to respond to a distress call from a station in excess of 155.3 miles away, will he or she be held liable for his or her omission? There can be only one proper and ethical course of action when a CB operator hears *any* distress call. Therefore, this petition requests a swift and

decisive action in the interest of life safety, disaster mitigation, and to expedite the public interest, convenience, and necessity.

SUBMITTED

This day, 17 October 2000

Alan Dixon



Industry-recognized Telecommunications Senior Engineer  
Contributing Editor – Legislative Affairs, *Popular Communications Magazine*  
FCC licensed General Radiotelephone Operator PG-4-19631  
FCC licensed GMDSS/Radar Operator and Maintainer DB-GB-005305  
FCC licensed Radio Operator – Amateur Extra N3HOE  
Member, American Radio Relay League  
Member, REACT International  
Member, United States CB Operators Association  
Former Participant, EIA/TIA Advisory Panel (TR-45 AHAG)  
CORES FRN # 0003-3350-56

2721 Maderia Circle  
Melbourne, Florida  
32935-5594  
[n3hoe@arrl.net](mailto:n3hoe@arrl.net)