

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

In the Matter of)
)
Amendment of 47 C.F.R. Part 95, Subpart A,)
and/or 47 C.F.R. Part 1, Current Fee Filing Guide)
)
Petition to Change the GMRS License Period From)
Five to Ten Years Or Reduce the Current Fee)

RECEIVED & INSPECTED
FEB 27 2002
RM-10312 / FCC-MAIL ROOM

ORDER

Adopted: February 12, 2002

Released: February 14, 2002

By the Deputy Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. A petition requesting changes to the General Mobile Radio Service (GMRS) rules has been received from Alan Dixon and Robert K. Leef (Petitioners).¹ The Petitioners request that the Commission extend the term of a GMRS license from five to ten years at the fee applicable for a five-year GMRS license or, in the alternative, retain the present five-year GMRS license term but reduce the fee. For the reasons discussed below, we find that the petition does not warrant the issuance of a *Notice of Proposed Rule Making*. Therefore, we deny the petition.

II. DISCUSSION

2. *Background.* The GMRS is a land mobile radio service available to persons for short-distance two-way communications to facilitate the activities of licensees and their immediate family members.² A GMRS system consists of mobile stations and also may include one or more land stations.³ None of the twenty-three GMRS channels⁴ is assigned for the exclusive use of any system.⁵ Instead, GMRS system licensees and operators must cooperate in the selection and use of the channels in order to make the most effective use of them and to reduce the possibility of interference.⁶ The party responsible for any GMRS station must obtain a license prior to transmitting on any channel authorized in the GMRS.⁷ A license for a GMRS system is usually issued for a five-year term.⁸

¹ See Petition for Rulemaking, RM-10312 (filed Apr. 24, 2001) (Petition).

² See 47 C.F.R. § 95.1.

³ See 47 C.F.R. § 95.21.

⁴ See 47 C.F.R. § 95.29.

⁵ See 47 C.F.R. § 95.7.

⁶ See 47 C.F.R. § 95.7(a).

⁷ See 47 C.F.R. § 95.2.

3. On April 24, 2001, the Petitioners filed their petition requesting that the Commission extend the term of a GMRS system license to ten years at the fee presently applicable to a five-year GMRS license.⁹ The Petition also requests, alternatively, that the Commission retain the present five-year license term, but reduce the total fee for a GMRS license to \$25.00.¹⁰ In support of their request, Petitioners state that their proposed rule changes would conform the term of a GMRS license with the term of licenses in the Business Radio Service and the Amateur Radio Service,¹¹ and reduce paperwork for the Commission and applicants.¹² Petitioners also state that extending the license term to ten years will make licensing more affordable to the public and increase the likelihood that individuals will obtain a license.¹³ The Commission sought comment on the Petition,¹⁴ and two comments were received.¹⁵

4. *Decision.* The fundamental request in this petition is that the Commission either reduce the fee for a GMRS license to \$25.00 or extend the term of a GMRS license to ten years at the fee currently charged for a five-year license. With regard to reducing the fee for a GMRS license to \$25.00, we note that Section 9(a) of the Communications Act of 1934, as amended, requires the Commission to assess and collect annual regulatory fees to recover the costs that it incurs in carrying out enforcement, policy and rulemaking, international, and user information activities.¹⁶ Consistent with the statute, on June 28, 2001, the Commission revised its Schedule of Regulatory Fees to collect the amount of regulatory fees that Congress has required it to collect for Fiscal Year (FY) 2001.¹⁷ In developing this fee schedule, the Commission estimated the number of payment units,¹⁸ compared the FY 2000 revenue estimate amount to the amount that Congress has required it to collect in FY 2001, and pro-rated the difference among all the existing fee categories.¹⁹ The current annual regulatory fee is \$5.00, which is collected in advance for the entire license term.²⁰

5. Reducing the fee for a particular service or reducing the number of payment units after the fee schedule has been established would cause the amount of fees that the Commission collects for FY

(...continued from previous page)

⁸ See 47 C.F.R. § 95.105.

⁹ Petition at 1-2.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 1.

¹² *Id.* at 2.

¹³ *Id.*

¹⁴ See *Public Notice*, Report No. 2507 (Oct. 19, 2001).

¹⁵ Mr. Dale Ellis (Ellis) supports the petition on the basis that the expense of a GMRS license does make it difficult financially for individuals who use the GMRS frequencies as public safety volunteers. Ellis Comment at 1. Mr. W. Lee McVey (McVey) also supports the petition on the basis that the GMRS license term should be consistent with other services and that the license fee should be comparable with other services. McVey Comment at 1.

¹⁶ 47 U.S.C. § 159(a).

¹⁷ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2001, Report and Order*, MD Docket No. 01-76, 16 FCC Rcd 13525 (2001).

¹⁸ Payment units are the number of subscribers, mobile units, pagers, cellular telephones, licenses, call signs, adjusted gross revenue dollars, etc. which represent the base volumes against which fee amounts are calculated. *Id.* at 13530 ¶ 10.

¹⁹ *Id.* at 13530 ¶ 10, n.16.

²⁰ *Id.* at 13536 ¶ 35.

2001 to fall short of what Congress has required that the Commission collect. For this reason, we cannot grant the request of the petitioners that the fees for GMRS licenses be lowered to \$25.00.²¹ In addition, though Petitioners argue that reducing the total fee to \$25.00 would increase the likelihood that individuals will obtain a GMRS license, there is no evidence in the record that supports the contention that the current fee results in a good portion of the public simply not bothering to obtain a license²² or that a reduction in the fee would spur licensing. We also believe that a request that a particular fee be changed is more appropriately addressed in the context of the proceeding that determines the assessment and collection of fees. GMRS licensees will have an opportunity to address the reasonableness of GMRS license fees when the Commission revises its schedule of regulatory fees for FY 2002.

6. With regard to the Petitioners' request that we extend the term of a GMRS license to ten years, we do not believe that the need for a change in the license term for GMRS has been justified. As an initial matter, we note that the petition has not established that the current license term is inadequate in some way or that a five-year license term imposes an unreasonable burden on GMRS licensees or the Commission. In this regard, we note that a benefit of a shorter license term is that licensees review their license information and correct it as necessary, thereby resulting in a more accurate licensee database. For these reasons, we do not believe that extending the term of a GMRS license to ten years has been justified.²³

III. CONCLUSION

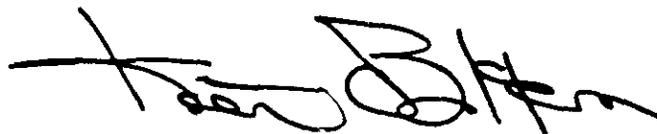
7. On the basis of the above, we conclude that the request in the above-captioned petition for rulemaking is unnecessary in light of the existing rules, and does not warrant further consideration at this time.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by Alan Dixon and Robert K. Leef, RM-10312, on April 24, 2001, IS HEREBY DENIED.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION



Kathleen O'Brien Ham
Deputy Chief, Wireless Telecommunications Bureau

²¹ Indeed, we note that the total fee for a GMRS license always has been more than \$25.00.

²² Petition at 2.

²³ We also note that increasing the term of a GMRS license to 10 years could have the opposite result of what the petitioners seem to be seeking. Specifically, given how license fees are calculated and collected, as described *supra*, the fee payable for such a license at the time of licensing would be higher than the fee currently applicable to individuals who apply for a five-year GMRS license. A higher fee could make GMRS licensing less affordable to the public, and a higher up-front license fee could decrease the likelihood that individuals will obtain a GMRS license.