

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

In the Matter of: )  
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A Petition to Amend Parts 95 and 97 of the )  
)  
Commission's Rules to Permit Non-Amateur )  
)  
Non-United States Resident Foreign Nationals ) RM-10521  
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Access to the 446.0-446.1 MHz Band )  
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**Comments**

**1. Background and Introduction**

I, Philip E. Galasso, have been a licensed radio amateur since September 27, 1968 and a holder of the Amateur Extra Class license since April 16, 1976, currently with the station callsign K2PG. I use most of the emission modes permitted on the amateur bands from 1800 kHz through 450 MHz. I have held the First Class Radiotelephone Operator License (now the General Radiotelephone Operator License) since 1973 and am employed as the chief operator of broadcast stations WHTG and WHTG-FM in Eatontown, New Jersey. I also hold a station license in the Experimental Radio Service with the callsign KA2XUK, for the purpose of exploring propagation on the 160-190 kHz band.

On January 2, 2002, Dr. Michael C. Trahos, D.O. (“Trahos”) filed a petition for rulemaking to amend Part 95, Subpart B (governing the Family Radio Service) and Part 97 (governing the Amateur Radio Service) to permit the use of the frequency band 446.0 to 446.1 MHz for low power, unlicensed portable transceivers that are brought into the United States by foreign tourists. The Commission has assigned the file number RM-10521 to this petition. In 1998, the CEPT member countries of Europe authorized a radio service similar to the Family Radio Service governed under Part 95, Subpart B of the Commission’s Rules.<sup>1</sup> In 1999, the United Kingdom did likewise.<sup>2</sup> Technical requirements for transceivers used in the Family Radio Service and in the European PMR 446 service are similar, in that transmitter power is limited to 500 milliwatts ERP and the antenna must be a permanently mounted, integral part of the radio equipment. However, the Family Radio Service uses fourteen channels in the band 462.55 to 467.75 MHz band, which is allocated on a primary basis to the General Mobile Radio Service (GMRS). Like the Family Radio Service, GMRS is governed under Part 95 of the Commission’s Rules, although GMRS stations require a license from the Commission. The CEPT and British PMR 446 service uses eight channels in the band 446.0-446.1 MHz, which is allocated to the Government Radiolocation Service and the Amateur Radio Service under Parts 2 and 97 of the Commission’s Rules.<sup>3</sup>

## **2. The potential for harmful interference**

In Paragraph 12 of his petition, Trahos writes, “*However, if ultimately adopted, this PETITION would have an extreme de minimis (sic) impact on existing ARS operations...*”<sup>4</sup> To support his position, Trahos quotes a general bandplan for the 420-450 MHz amateur band from the Web site of the American Radio Relay League.<sup>5</sup> According to that general information, the 446.0-446.1 MHz segment is primarily used for repeater output and simplex amateur radio communications. However, according to the ARRL Repeater Directory, an authoritative source of information on the use of the VHF and UHF bands allocated to the Amateur Radio Service, these frequencies are also shared with link and control operations and with repeater *inputs*.<sup>6</sup> Among the repeaters using frequencies in the 446.0-446.1 MHz segment are the WB6JWB repeater in San Luis Obispo, California (446.075 MHz input)<sup>7</sup>, the KF6CLR repeater in Kathy Valley, California (446.100 MHz input)<sup>8</sup>, the N6UUI repeater in Los Gatos, California (446.050 MHz input), the WA6TOW repeater in Pacifica, California (446.075 MHz input), the KD6ANG repeater

(446.025 MHz input) and the WA6FUL repeater (446.1 MHz input), both in Palo Alto, California<sup>9</sup>, the N2ROW repeater in Brooklyn, NY (446.1 MHz input)<sup>10</sup>, and the KC7MAP repeater, Camano Island, Washington (446.050 MHz input)<sup>11</sup>. A handheld transmitter with 500 milliwatts ERP is certainly capable of capturing a repeater's receiver from a distance of many miles. Increased demand for repeater frequency pairs by various amateur radio clubs and individuals ensures that further use of the 446.0-446.1 MHz segment will be made by repeater systems throughout the United States. The potential for harmful interference to the above repeater systems is great. Auxiliary, remote base, and control stations in the Amateur Radio Service are not listed in the ARRL Repeater Directory. However, such stations would be highly susceptible to interference from unlicensed PMR 446 radios.

### ***3. Ignorance of the law versus international goodwill***

Trahos correctly states that, "*...the use of license exempt FRS radios within ITU Region 1 and the use of license exempt PMR 446 radios within ITU Region 2 are, respectively, illegal. However, these facts are generally unknown by the majority of the public who use these low-power transceivers.*"<sup>12</sup> In the succeeding paragraph of his petition, Trahos cites the widespread illegal operation of Family Radio Service radios by Americans visiting the United Kingdom and the illegal operation of PMR 446 radios by foreign nationals at Walt Disney World in Orlando, Florida. Trahos feels that such ignorance of the law should be grounds for legalizing the use of PMR 446 radios in this country. Ignorance and disregard of the law should certainly not be a reason for legalizing an illegal activity that could disrupt the communications of a licensed radio service. Travelers are expected to know and respect the laws of the country or countries that they visit. To do otherwise is to risk arrest, prosecution, and worse.

There is no reason for the nationals of CEPT countries not to know that it is illegal to use PMR 446 radios in non-CEPT countries. According to the PMR 446 Information Sheet issued by the British authorities, "Before using PMR 446 radios outside the United Kingdom, users should check that the relevant administration has implemented the Decisions. Users who fail to do this and use their radios overseas, *may break the laws of the country concerned, run the risk of prosecution and the confiscation of equipment*".<sup>13</sup> (Italics supplied) The United States Customs Service has a plethora of information available, in an assortment of languages, pertaining to prohibited and restricted imports. Such information is readily available at U.S. consular offices worldwide and on the Internet.

#### **4. The potential for the development of an illicit market**

Legalizing PMR 446 radios carries with it the potential for the development of an illicit “gray market”. The Commission is already seeing such activity concerning “export” transceivers for the 27 MHz Citizens Band Radio Service. These gray market transceivers are manufactured for use in other countries and feature emission types that are not authorized for Citizens Band radio stations in this country, unauthorized frequencies, and power in excess of the 4 watts carrier or 12 watts PEP authorized for stations in the 27 MHz CB service. We certainly do not need to open another portal for the entry of radio equipment that has the potential to disrupt communications in a licensed radio service.

#### **5. Conclusion**

I hereby conclude that the above Petition for Rulemaking, RM-10521, is totally without merit and should be denied.

Respectfully submitted,

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<sup>1</sup> ERC/DEC/(98) 25, 26, and 27, ERC Decision of 23 November 1998 on the Harmonised Frequency Band to be Designated for PMR 446.

<sup>2</sup> PMR 446 Information Sheet, available at [http://www.radio.gov.uk/publication/ra\\_info/ra357.htm](http://www.radio.gov.uk/publication/ra_info/ra357.htm)

<sup>3</sup> 47 CFR 2.106, 47 CFR 97.301 (a)

<sup>4</sup> Petition for Rulemaking, RM-10521, submitted by Dr. Michael C. Trahos, D.O.

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<sup>5</sup> ARRL 70 cm Band Plan, <http://www.arrl.org/FandES/field/regulations/bandplan.htm>

<sup>6</sup> The ARRL Repeater Directory, 2001-2002 Edition, page 46, published by the American Radio Relay League, Inc.,  
Newington, CT

<sup>7</sup> Ibid., p. 390

<sup>8</sup> Ibid., p. 406

<sup>9</sup> Ibid., p. 408

<sup>10</sup> Ibid., p. 476

<sup>11</sup> Ibid., p. 532

<sup>12</sup> RM-10521, paragraph 8

<sup>13</sup> PMR 446 Information Sheet, available at [http://www.radio.gov.uk/publication/ra\\_info/ra357.htm](http://www.radio.gov.uk/publication/ra_info/ra357.htm)