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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
1998 Biennial Regulatory Review --) WT Docket No. 98-182
47 C.F.R. Part 90 - Private Land Mobile) RM-9222
Radio Services)

PETITION FOR RECONSIDERATION

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Date: November 12, 2002

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I. BACKGROLD OF THE COMMENTER

1. The Personal Radio Steering Group, Inc. (PRSG) is an all-volunteer, not-for-profit Michigan corporation established in 1980 by licensees in the General Mobile Radio Service (GMRS, FCC Part 95-A) to provide services to and to serve as an advocate for users of the FCC's personal radio services.

2. The PRSG has published more than 300 different guides to GMRS licensing. technology and operating practices in the various personal radio services. PRSG's flagship publication, the GMRS NATIONAL REPEATER GUIDE, lists the more than 3,500 GMRS repeaters. their sponsors. technical characteristics and detailed coverage information. The GUIDE has become the essential reference to this cooperative, nonprofit communications network for licensed private individuals. PRSG also works closely with major land mobile equipment manufacturers to disseminate instructional materials for radio purchasers.

3. PRSG brings issues in this PETITION which have arisen since the first Report and Order in this Docket, issues for which there has been no prior opportunity for public comment.

II. THE LANGUAGE OF THE MEMORANDUM OPINION AND ORDER AND SECOND REPORT AND ORDER PERTAINING TO NETWORK INTERCONNECTION IS IMPRECISE AND ANTIQUATED.

4. In the Memorandum Opinion and Order and Second Report and Order (MO&O/SR&O), the FCC adopted the following language:

"MURS stations are prohibited from interconnection with the public switched network. Interconnection Defined. Connection through automatic or manual means of multi-use radio stations with the facilities of the public switched telephone network to permit the transmission of messages or signals between points in the wireline or radio network of a public telephone company and persons served by multi-use radio stations. Wireline or radio circuits or **links** furnished by common carriers, which are used by licensees or other authorized persons for transmitter control (including dial-up transmitter control circuits) **or** as an integral part of an authorized. private, internal system of communication or as an integral part of dispatch point circuits in a multi-use radio station **are** not considered to be interconnection for purposes of this rule part."

5. What the new rule language does not directly address is the permissibility of transmitting signals to or from networks other than the public switched telephone network (PSTN), IF those allegedly private networks themselves are (in turn) directly interconnected with (or even if they just share) resources of the PSTN. Also not addressed is what should constitute a "private" network if one such network can be voluntarily and spontaneously connected by network users with some other, allegedly private network. Some MURS users want to argue that if the very first user connection is not directly with the PSTN itself, such private network interfacing should be considered permissible, even if the subsequent resulting and often user-transparent networking may share resources with or otherwise be entirely interconnected with the PSTN itself.

6. In today's complex world of networks, there are many PSTN-emulating networks (such as those supplied by cable television providers and others, but including ANY that provide connection with the Internet) that provide services to the public that are or can easily be made to be essentially identical to those of the PSTN, whether or not they eventually may actually interconnect to network components of the PSTN. A MURS station interconnected to such a network would be merely "a portal" for access to or from one such private network to another. even if such an interconnection operates in a manner identical (for all apparent purposes! as if it were operating through resources the PSTN. Although these alternative networks are not part of the PUBLIC switched telephone network, neither are they truly "private." since they can often readily connect to each other (in a voluntary and user-requested manner). and often to the PSTN itself. The Internet itself is such "a network of networks."

7. There is no way for the casual observer, or even the MURS station operator him/herself, to determine if a particular connection or transmission involves the PSTN. The presence of dialtone and DTMF signaling is not dispositive: Interconnection with the PSTN can occur without rebroadcasting dialtone and DTMF signaling, and the mere presence of them does not necessarily indicate that the network is indeed part of the PSTN.

8. Furthermore, with voice-over-Internet protocols (VOIP) now widely available, even a two-way, voice-type communication can be conducted entirely independent of the PSTN, while yet retaining all of the PSTN network's basic characteristics.

9. What this argues is that the Commission needs to modify its current approach of granting or denying network access in MURS based solely on the first-phase network topology. Instead, the Commission needs to address this issue from a more basic position: Under what conditions (and with what limitations! should the Commission permit a MURS station to transmit messages or data coming other than from a specific person locally controlling a specific MURS transmitter, what we could characterize as a "one person/one push-to-transmit button" station.

10. We note that the Commission's rules pertaining to the operation of the Frequencies now allocated to MURS essentially limited network (including private network) interconnection previously by establishing the maximum distance between the control point and the center of the radiating antenna.

III. NEW EQUIPMENT STANDARDS WOULD PERMIT EXPANSION OF PERFORMANCE REQUIREMENTS THAT WOULD ENHANCE RULES COMPLIANCE.

11. In the MO&O/SR&O, the Commission established entirely new performance standards for MURS radios first type-approved after adoption of these new rules. In rule 95.1307(d), the FCC identifies a particular requirement for pre-transmission monitoring:

"MURS users shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference."

12. We concur that such specific language requiring pre-transmission monitoring is appropriate and desirable. We request that the Commission "go the next step" and require that a certain capability be built into all MURS radios subsequently type-approved for use in this service.

13. The requirement should be that no MURS station should be hardware enabled to transmit IF that station's associated receiver is in any form of selective muting. This should include ALL muting protocols. those currently in use (such as CTCSS, DCS, tone-burst, etc.) and any future muting protocols.

14. We request a requirement that the associated receiver must be monitoring "open squelch" for a specified MINIMUM period of time (at least several seconds) before the MURS station transmitter is enabled. The action to unmute the receiver should not be a merely momentary control, such as a "push-to-listen" (PTL) button wherein the receiver monitors "open squelch" only so long as the operator continues to depress that button. This kind of temporary control actually acts to DISCOURAGE the station operator from continuing to monitor "open squelch" for the duration of the exchange, thus risking to mask other subsequent co-channel communications of an emergency nature to which the station operator must yield. Instead, the operator action must unmute the receiver, and leave it unmuted. until either the operator takes another action to remute the receiver, or until some minimum period of time (perhaps ten seconds or longer) has lapsed since that station's last transmission.

IV. LICENSEES PREVIOUSLY GRANTED PRIVILEGES THAT EXCEED THOSE PERMITTED UNDER THE NEW RULES SHOULD CONTINUE TO BE LICENSED AND REQUIRED TO IDENTIFY BY FCC-ASSIGNED CALLSIGN.

15. In the MO&O/SR&O, the FCC acknowledges that it had granted some licenses previously on frequencies now allocated to MURS with operating privileges that exceed those now permitted under the new rules. The rules now "grandfather" such prior operations. However, MURS station operators will have no way of knowing if the communications of others that they will now observe as exceeding the restrictions of the present rules are permissible due to such grandfathering.

16. We request that the FCC

- a) retain these grandfathered licenses in place,
- b) require the renewal of such licenses (to be eligible to operate with those variances from current and future requirements),
- c) require that parties operating under grandfathered privileges identify their stations by FCC callsign. and
- d) fully state the nature of these grandfathered privileges on the FCC's publicly accessible license databases.

Only through such provisions will future MURS station operators be able to distinguish whether or not certain other communications are permissible. This is an essential element of self-enforcement for the users of this radio service.

17. Since some of these prior licenses have already expired, and have not been renewed (since MURS has been "authorized by rule" instead of "authorized by license" for two years now), the Commission will need to offer those entities so previously authorized a limited "grace period" within which to request reinstatement of their former licenses.

18. The FCC should not permit any entity not previously licensed for the frequencies now allocated to MURS to acquire such a license. Nor should any entity previously licensed for these frequencies be permitted to add any new conditions that would exceed the current privileges of MURS operations.

V. CERTIFICATION

19. I certify that we are willing to receive replies to this PETITION by electronic means at: prsg@provide.net


Corwin B. Moore, Coordinator

Personal Radio Steering Group Inc.

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