

**The respondent, F. E. Brody, had previously filed a comment in this matter – opposed to the petitioner’s request.**

**The respondent files, herein, additional comments after reviewing those filed after my original.**

**In addition to the respondent’s technical qualifications, as filed in my original comments on 18 SEP 2002: The respondent has no financial interests in this proceeding other than desiring to continue to use the FRS service as it is now authorized: Where applicable as an effective low-cost, easy to use, short range communications solution.**

**===BEGIN RESPONDENT’S ADDITIONAL COMMENTS TO RM-10564 ===**

**The respondent continues to be vehemently opposed to the petitioner’s request, in RM-10564, to ban business use on FRS frequencies.**

**Items 9, 10, and 11) below also details, in my opinion, the petitioner’s apparent attempt to create the false impression at The Commission that the majority of respondents are in favor of their request. Despite ITA’s apparent efforts at a letter writing campaign (word-for-word identical verbiage in comments), only 7 of their “more than 3500” members commented.**

**I have reviewed all but one of the comments filed in this matter. One comment, filed 15 OCT 2002 by ‘Forest Industries’ is for some reason not viewable on the FCC’s on-line comment filing system.**

**I have also remained involved in a number of electronic venues (discussion boards, newsgroups, and email reflectors) where this matter is sometimes discussed. The majority of those responding in those venues are users and do not unfortunately file comments, being seemingly somewhat intimidated by the ‘legal-brief’ format typically used. Their opinions appear overwhelming against the petitioner’s request.**

**Additional comments on RM-10564, all in my own very independent opinion:**

- 1) The petitioner has completely failed to offer any evidence of overcrowding on the UHF frequencies allocated to the FRS service.**
- 2) The petitioner has failed to demonstrate any of their assertions about safety nor any adverse affect on the service for individual use.**
- 3) As previously filed, the respondent resides in the Washington DC to Boston ‘corridor’, one of the most densely populated areas in the US. Despite this, frequency congestion on the FRS service appears non-existent.**
- 4) The respondent has used FRS radios for business conventions, trade shows, and to help coordinate large corporate gatherings in Phoenix, Las Vegas, Chicago, and Suburban Cook County, IL (all large population centers), since early 1998. I have additionally used my FRS radios in NYC during family visits. I have yet to incur any amount of the supposed congestion or interference from other**

users. Fourteen (14) channels with the addition of tone coded squelch, is more than adequate to provide access to all users for this short-range, 'small-footprint' service. Additionally, the 'capture-effect' of the FM voice emission method used in the FRS service further assists in eliminating conflict with distant traffic and making the service very effective for both individuals and business.

- 5) The 'range' of FRS, as typically noted by manufacturers and reseller is very optimistic. It's usually qualified with something like "UP TO 2 MILES." In reality, in the typical urban and even suburban setting. Useful range is more like ½ mile. Add in structures, vehicles, and even woodland and foliage, and range typically drops even further – adding to the 'short-range, small-footprint' intent of the service. Typically, the only way to truly get the advertised "2 mile range" is by operating hilltop to hilltop ('line-of-sight').
- 6) The low power, limited propagation of the frequencies allocated, the multiple channels, the 'capture effect' of FM emission method, fixed antennas, and certified equipment all make the service exactly what it was intended by the FCC to be.
- 7) About the only widely known areas with FRS saturation appear to be a very few large amusement parks (i.e.; DisneyWorld and Disneyland). Hotels and concessionaires there sell inexpensive FRS radios in volume. The park owners and/or operators there already use other licensed services, as would be expected if FRS did not fit their needs.
- 8) The fact that the service is working so well for non-critical and non-safety related communications for so many businesses and individuals confirms the FCC's intent that was originally written into the regulations
- 9) The petitioner appears to be attempting to create a very false impression in their most recent comments (dated 31 Oct 2002) that a majority of the respondents are in favor of their request: (a) Of the 19 files comments, 5 have been filed by ITA itself; (b) 4 more comments contain virtually identical verbiage that all begin with "Being a radio dealer .....", obviously written by the ITA itself and forwarded to their members for filing; (c) One comment was filed by an ITA attorney on behalf of "Tru-Way Wireless"; (d) One (Boeing) was neutral and just asking for clarification of the rules; and (e) Of the remaining comments, only three (3) are in favor and four (4) are opposed.
- 10) Of those 'for' the proposal presented by ITA in their petition, all appear to be radio dealers whose business is being adversely affected. The user's ability to purchase and use, without great expense, a radio service that does not require either frequency coordination seems to be the driving force. I would doubt that ITA's members would tolerate the organization spending this time and money (the member's dues and/or fees) for something that is not intended to protect the dealer's financial interests. While I applaud the ITA for so obviously looking out for their member's interests, their assertions that they lack any financial interest seems quite insincere. The coordination fees for the "... in excess of 6000 applications per year..." seems quite contradictory to their stated goals in this matter.
- 11) ITA notes in its filed comments that it has "... more than 3,500..." members, yet despite their efforts to hand them canned verbiage for filing, only a very few have done so. This leads the respondent to the only plausible conclusion that the

**remaining 3,493 ITA members are either opposed or neutral.**

**Summary: Business already effectively will make their own decisions about which, if any, radio services are suitable for their operations. These businesses, and their communications service advisors and/or providers, already seem to understand both the value and limitations of the FRS service as compared to the myriad others available to them. Business use of FRS does not appear to jeopardizing the individual user's access to the service.**

**Concerns: With the exception of instances where other critical or public-safety related services are being disrupted, the FCC already lacks sufficient resources to enforce the current use of many services including FRS. Adding yet another non-technical regulation will merely result in increased expense to the Commission (read: taxpayers). Unneeded and/or unenforceable regulations merely create an atmosphere that breeds both disdain for existing regulation and further non-compliance.**

**===END RESPONDENT'S ADDITIONAL COMMENTS to RM-10564 ===**

**Respectfully submitted,**

**27 NOV 2002**

**By: F. E. Brody**

**RR2 Box 568**

**Thomaston, CT 06787 USA**