

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the matter of )  
 )  
1998 Biennial Regulatory Review -- )  
47 C.F.R. Part 90 - Private Land Mobile )  
Radio Services )

WT Docket No. 98-182

OPPOSITION TO PETITION  
FOR RECONSIDERATION

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Date: July 3, 2003

Dakota Alert, Inc. is one of the few manufacturers to bring MURS radios to the consumer market. We manufacture a hand held transceiver, a base station transceiver as well as our MURS Alert transmitter. All products comply with the MURS rules as amended in the MO&O released May 23, 2002. As a leader in the MURS industry, we oppose the three issues raised in the Petition for Reconsideration filed by the Personal Radio Steering Group, Inc. (PRSG).

PRSG in their first point would like to see the rules amended as to the interconnection of the publicly switched telephone network. At Dakota Alert we find **Section 95.1313 Interconnection prohibited** to be quite clear. We do not think that any additional language is needed in this section.

In the second point of the PRSG petition they address **Section 95.1307(d)**.

"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."

PRSG seems to believe that "reasonable precaution" should be changed to an "absolute guarantee" that no interference will occur. PRSG requests that MURS radios should be manufactured with hardware that prohibits the station from transmitting unless it has been monitoring for traffic for at least ten seconds. Dakota Alert is strongly opposed to this idea for several reasons:

1. **Cost-** The added cost to design this feature into radios would make it prohibitive to manufacture radios that are meant for general consumers. With the proliferation of inexpensive FRS units, MURS units must be able to be cost competitive.
2. **Potential for abuse-** If all MURS stations are enabled with such hardware that requires they monitor for ten seconds before transmitting the potential for abuse does not decrease, it increases. If a rouge user designs a circuit that activates a transmitter

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momentarily every 8 seconds, then no other users will be able to use that MURS channel at all in that location. While this might seem like an absurd idea, there are those out there who gain pleasure from causing annoyance to others. One person in a tall building in a large city could easily shut down MURS in that location if all MURS radios were so enabled.

3. **Ease of use-** MURS was designed for the average casual user. It will be used by families with children and other non technical users. These users are seeking a product that is easy to use right out of the box. A design that is intuitive is far superior to a design that requires the pressing of a button for ten seconds before allowing the consumer to speak. The average consumer would not tolerate a product that behaves in such a manner. Instead of enjoying the benefits that MURS offers, these consumers would abandon MURS and move to FRS or GMRS which will only increase the chaos on these frequencies.
4. **Current congestion-** Currently there is very little traffic on MURS frequencies. We think that in light of the current situation the harm that will be caused by a change in the rules will far outweigh any perceived benefit that such a change may bring about.

For these reasons we feel that the rules are quite sufficient as currently worded and should not be changed.

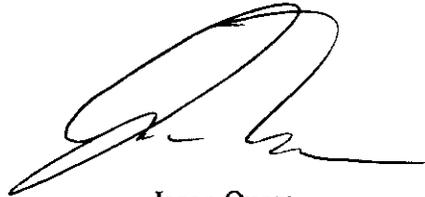
Regarding the third point from the PRSG petition as it pertains to the grand fathering of previous stations, Dakota Alert opposes this. **Section 95.1317** as it is written is a good compromise. If grandfathered stations are required to broadcast a call sign periodically this will only lead to confusion among casual users. This may lead some casual users to believe that they can not use MURS or worse yet, lead them to believe they can use any licensed service where they hear other operators periodically broadcasting call signs.

For the previous reasons, Dakota Alert opposes the various points in the petition for reconsideration. We find that the rules as written are quite clear and acceptable and offer the most benefit to the consumer. If MURS is to become a viable service, the rules must remain constant. In the short history of the MURS service, several petitions for reconsideration have been addressed. In that time, the FCC has always made the right decision to protect MURS and broaden the market for consumers.

If the FCC does change the rules as they pertain to MURS, we request that equipment that has received a grant under the previous rules be grand fathered under the previous rules.

I certify that on this date (July 3, 2003), I have sent a copy of these comments via USPS first class mail to the following party:

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