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Federal Communications Commission
Washington, D.C. 20554

Subject: RESPONSE TO THE NOTICE OF PROPOSED RULE MAKING AND
MEMORANDUM OPINION AND ORDER ON RECONSIDERATION

IN THE CASE OF

WT Docket No. 10-119, Review of the Commission's Part 95 Personal Radio
Services Rules and

WT Docket No. 98-182, RM-9222, 1998 Biennial Regulatory Review – 47 C.F.R.
Part 90 – Private Land Mobile Radio Services

To Whom It May Concern:

In response to the proposal to “(1) License General Mobile Radio Service (GMRS) operations by rule; (2) Relax GMRS eligibility requirements; (3) implement 12.5 kilohertz channelization for GMRS; and (4) allow the transmission of Global Positioning System (GPS) location information and user-generated text messages on certain GMRS channels. We also propose to prohibit the authorization of radios that combine Family Radio Service (FRS) with safety-related services.”

I have read the proposals and my comments follow.

Proposal. “To license GMRS by rule, including whether all classes of GMRS stations should be licensed by rule or only handheld portable units. Additionally, we seek comment on the pros and cons of licensing GMRS by rule versus maintaining the individual licensing requirement. Additionally, if we only license certain classes of GMRS by rule, should we maintain the station identification requirements for GMRS?”

Comment. I recommend that the licensing requirement of GMRS be maintained. This is due in large part to my concurrence with the later proposals to continue the use of repeater devices and the separation of the services by prohibiting the continued manufacturing of combination radios in the GMRS and FRS.

I also concur with the proposal to extend the license term from five to ten years for individual GMRS licensing. Additionally, I recommend the elimination of the prohibition of business use of GMRS devices only if the expansion of the eligibility requirements is allows business and organizational licensing. I believe this would serve the public in a positive way by allowing non-

profits and community based organizations a low cost alternative to the expense of commercial personal communications and/or cell phone services.

Proposal. “We propose to prohibit GMRS portable devices from operating at more than two watts ERP.”

Comment. I concur with the proposal to limit the ERP of portable GMRS devices to two watts or less.

Proposal. “Given that GMRS licenses are not issued on a coordinated or exclusive use basis, should we continue to permit 50-watt operations? Should the existing station classes and power limits be maintained? In this regard, we request comment on whether we should reduce power limits or establish antenna height limits to increase frequency reuse for, and minimize interference to, GMRS communications.”

Comment. I concur with the current rules allowing the use of 50-watt operations for fixed and mobile stations in order to allow the service to be used realistically with flexibility.

Proposal. “We also seek comment on whether GMRS devices operating in mobile exposure conditions should continue to be categorically excluded from routine evaluation of human RF exposure for all power levels.”

Comment. I recommend that evaluation of human RF exposure of portable devices at all power levels in the UHF spectrum is essential to public safety. The human absorption rate of RF at UHF frequencies is much higher without limitations of RF exposure based on the proximity of the portable device to a person’s head and eyes.

Proposal. “We seek comment on whether repeater and base station operations are still needed in the GMRS given the availability of commercial alternatives that allow for more efficient use of the spectrum. “

Comment. I strongly recommend the continued allowance of fixed base station and repeater operations in the GMRS. Given my home location with terrain considerations, the use of GMRS portables and mobiles is severely diminished without the use of a fixed base station/repeater in the system.

Proposal. “We propose to change the power limit for GMRS small base stations to five watts transmitter output power, instead of five watts ERP.”

Comment. I concur with this proposal recommendation.

Proposal. “We are particularly concerned with services that may be used for communications related to safety of life and property or communications during distress, and therefore propose to prohibit the certification of radios that combine Personal Radio Service channels with the capability to transmit on frequencies in the licensed services of Parts 80, 87, 90, and 97 of the Commission’s rules. Prohibiting such combination radios with these licensed services would prevent unauthorized use of maritime, aviation, public safety, and amateur frequencies to the benefit of those licensees and the public more generally. We seek comment on this conclusion and whether we should prohibit any other services from being combined with Personal Radio Services. Additionally, we seek comment on whether our proposal should be more narrowly focused on certain Personal Radio Services. Commenters should address what sort of grandfathering, if any, would be appropriate for currently certified FRS combination radios and any other radios that combine Personal Radio Services with licensed services.”

Comment. I strongly recommend the prohibition of the continued manufacture of so-called “Combination Radios” that combine licensed services with unlicensed services. The use of these types of FRS/GMRS radios in densely populated metropolitan areas has led to the demise of the GMRS service as a viable source of communications in these areas. The portable devices are virtually useless due to the unlicensed and unregulated use by the public without regard to the shared use etiquette. The grandfathering of currently certified FRS combination radios must be considered along with the economic impact to manufacturers and the public if they were forced to purchase and/or replace the current radios already in use. Based on the disposability and estimated life span of the low-cost combination radios on the market, the attrition rate would allow for a natural phased out approach of approximately 6-10 years if the manufacture of the combination radios ceased today.

Thank you,

Robert P. DeVega, Jr.