

Before the
FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554
In the Matter of

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

1988 Biennial Regulatory Review – 47 C.F.R. Part 90 – Private Land Mobile Radio Services
WT Docket No. 98-182 RM-9222

Petition for Rulemaking of Garmin International, Inc.
RM-10762

Petition for Rulemaking of Omnitronics, LLC.
RM-10844

**RESPONSE TO NOTICE OF PROPOSED RULE MAKING AND MEMORANDUM OPINION
AND ORDER ON RECONSIDERATION**

I. Introduction

Our understanding is that the goal of this proceeding is to simplify, streamline, and update the Part95 rules to reflect technological advances and changes in the way the American public uses the various Personal Radio Services. It is obvious that much thought and consideration must be given when drafting new, clearer and consistent rules that will benefit both the users and the public in general. These rules should not necessarily benefit equipment manufacturers nor should they be a major consideration. In the spirit of cooperation, technical growth and consideration of all parties involved, we feel that the commission's objective and decision needs to be from facts, legal citizen input, and the greater good for the communities at large.

After much thought, our intention is to offer these facts and considerations.

II. Background

1. The North Georgia GMRS Group is one of the largest General Mobile Radio Service repeater organizations in the United States. Our membership roster has over 110 active licensed members, and their families which by definition of FCC rules, expands to well over 500 users across the State of Georgia. In addition there are 1220 licenses issued in the State of Georgia as well.

We are a member group by nature, formed in 2007. Our sole existence is to provide reliable GMRS communications, education, support sharing, and cooperation for GMRS users in Georgia. Our Membership continues to grow at a rate in excess of 10% per month.

2. The North Georgia GMRS Group was formed to provide an outlet to alternative sources of communications to our members and their families, free of charge. We foster cooperation and sharing of repeater resources for both family use and provide access for emergency communication for area emergency response teams in times of need. In addition we provide local and state groups and agencies with interoperability agreements for emergency communications as required.

3. The North Georgia GMRS Group has been instrumental in enforcement of FCC rules in our area, as well as the promotion of proper licensing, self-coordination of repeaters, and radio usage.

4. Many members of The North Georgia GMRS Group are professionals; and current members are firefighters, police officers, EMS personnel, doctors, lawyers, and Amateur Radio operators. We also embody members from private emergency communications providers, commercial communications technicians, and every day citizens. Every walk of life is embodied in the membership of our Group.

In closing of my opening remarks, I feel, by virtue of our success and current knowledge of communications, emergency operations and situations, that our reply to the Notice is sound and just. In so doing, it is now time that I ask of the commission;

And so, my fellow elected Americans: ask not what your citizens can do for the commission - ask what the commission can do for the citizens.

The North Georgia GMRS Repeater group submits the following response to the commissions NPRM. We seek a fair and impartial hearing and seek that the commission will not allow the GMRS band, to end up the same lawless demise as the CB band.

II. NPRM Response: Streamlining of Part 95 Personal Radio Services Streamline:

A. We summarily agree with streamlining the rules. We feel that the question-answer format is easier to read, easier to understand and excludes rules that may be vague or open to multiple interpretations. By including all basic rules into a new Subpart A, this will alleviate much of the confusion many people have with understanding rules.

1. **Technical Rules:** We agree with streamlining technical rules also, provided such streamlining still allots for the differences allowed in each service. We see no harm in channelizing all of the GMRS frequencies, as those who are licensed GMRS users and repeater owners will seek repeater information, but will allow channelized numbers for easier relay of information.
2. **Frequency Tolerance:** We find no issue with the updated frequency tolerance, as this would put the rules in line with communications equipment, availability and technical specifications of the current day.
3. **Power Limits:** We strongly believe that GMRS radios should continue to be measured in Transmitter Power Output (TPO) and not Effective Radiated Power (ERP). We feel and suggest that all radios in Part 95 be measured in TPO, as we believe it would be easier for both users and manufacturers to stay within power limits as prescribed.
4. **Unwanted Emissions:** The North Georgia GMRS Group agrees with this section.
5. **Voice Scrambling:** The North Georgia GMRS Group vehemently opposes any voice scrambling, coding, or other voice-obscuring technology in GMRS and agrees with the Commission.
6. **Crystal Control:** We feel this section should be removed. We believe that with the availability of solid-state radio equipment, this rule is obsolete and should be discontinued.

B. General Mobile Radio Service

1. Station Licensing:

a. The North Georgia GMRS Group vehemently opposes totally removing the licensing requirement for GMRS stations. Licensing GMRS by rule would absolutely destroy GMRS as a valuable tool for personal and/or disaster relief communications. Maintaining licensing promotes professionalism and responsibility in the ownership and operation of any radio system. To eliminate licensing will result in the same thing that happened to CB when it was de-licensed – total chaos into an uncontrollable and almost unenforceable commodity. It is our opinion that, in most cases, people who are licensed are more

responsible with their stations and the operation there of.

b. There should be no difference between GMRS operations by one type of mode or equipment over another. Handheld portables should enjoy the same privileges and responsibilities as do mobiles or even repeaters. It makes no sense to have one class of GMRS equipment unlicensed while requiring another class of equipment to be licensed. When transmitting on a portable, the listener or receiver cannot distinguish the difference between that and a mobile transmitter. All should be the same – licensed.

c. We are torn between two avenues of choice between licensing terms. As a consumer group, of course a lower effective licensing fee spread over a ten year term is an excellent option unless it is simply a ten year term renewable in five years with another fee. We cannot imagine that is the motive for the consideration. Meanwhile, it results in less income which might be better used for other uses such as enforcement by the Commission. We am happy with the five year term as is at the current fee schedule but would welcome a longer ten year term as a consumer or licensee. We can see where it would reduce administrative duties upon the Commission with a longer term which may outweigh or offset the loss of income by keeping it to a five year term. We are in favor of this particular streamlining move.

2. Eligibility

- a. Assuming the Commission maintains the GMRS licensing requirement, we find it should maintain some degree of licensing age requirement. That age requirement should be an age of understanding and the ability to comply with the FCC Rules governing Part 95A. To simply turn a minor loose with a GMRS license invokes no responsibility on the individual's part. That responsibility should lie upon the licensee as it presently does. There is little benefit in eliminating a minimum age requirement for GMRS. We would recommend an age of approximately twelve years to be responsible and would recommend the Commission consider twelve as the minimum age requirement for holding a GMRS license. Minors younger than twelve may operate a GMRS radio under the direct supervision and control of an adult licensee.
- b. If the Commission licenses GMRS by Rule, the eligibility requirement that "individuals only" are permitted to operate will be of little value. Businesses will not desire to use GMRS over FRS as it presently exists. There will be no additional benefits since FRS has a sufficient number of channels now for business to continue in the present mode of operation. However, we must ask the Commission to separate this stance from our next position.
- c. A severe hardship occurred when the Commission eliminated non-individuals from obtaining a license. There are currently 200 "Grandfathered" licensees active. Approximately 800 surrendered or allowed their license to expire. Many of those licensees were groups of individuals brought together for disaster relief purposes. Some were REACT teams; some were Red Cross Chapters or churches and other non-profit entities for the good of the public welfare. GMRS is used extensively sometimes during times of disaster. It is a perfect answer to the interoperability

challenge when assisting the Red Cross who also holds a GMRS license.

- d. GMRS relieves other Red Cross licensed frequencies to more specific response activities while non-Red Cross citizens can assist where needed using GMRS. The unfortunate thing is some organizations (such as REACT) cannot apply for a GMRS Team license to operate similarly to their “Grandfathered” REACT team brothers. We would propose the Commission consider non-individual licenses to non-profit organizations that have a purpose or scope for the safety and welfare of American citizens. This would open the opportunity for a GMRS license for REACT teams, ARRL clubs, Red Cross chapters and branches, Salvation Army, or other non-profits directly involved in disaster preparedness.

3. GMRS Portable Devices

- a. We respectfully disagree with the Commission that the public interest would be served by establishing specific power rules for portable GMRS devices. For simplicity, all GMRS equipment should be governed categorically the same.
- b. We have difficulty comparing GMRS with Part 90 land mobile operations on output power with portable equipment. While at first glance it appears similar in operations, a business usually operates in a specific location or sphere of influence to a central control point. GMRS users are more mobile and often operate outside even their own home state. Their operations might be to maintain contact with each other while commuting down a highway. It might be simply maintaining contact while visiting a relative in a strange city. GMRS licensees simply are more mobile than are traditional business licensees.
- c. To limit GMRS devices to two watts equates to lowering their capability to that of a MURS radio which nobody uses for that simple reason. Lowering the power output of a portable literally destroys the desire for a GMRS radio service especially in a “simplex” mode of operation. For repeater operation, two watts is sufficient and we would normally have little objection to lowering the power output for repeater operation but as we know, simplex operation is the mode of the majority.
- d. Antenna height limits for GMRS is not usually a variable that can be altered. Most GMRS repeaters are individually owned and without the capital to acquire premium antenna tower positioning compared to other commercial radio operations that demand the higher position on the tower. Reducing antenna height should not minimize interference at all.
- e. Repeater operations are critical in the GMRS service. Commercial alternatives are not that - alternatives. The GMRS was established over time to be for the family and individuals to conduct personal radio transmissions. Often times, due to a family members working a long distance from his/her residence, it limits communications using simplex operations. Sometimes structures, mountains, or other obstructions prohibit communications which are answered by a repeater. During disasters, repeaters are a vital tool to response and recovery. Even when the power goes out, many of our repeaters have backup power designed just for the purpose of disaster services. Eliminating repeaters can have an undesirable effect upon the safety of American lives and their property.

Recently in the North Georgia Mountains, lives and property were saved by the use of a North Georgia GMRS repeater system accessed by local residents. Many of the commercial and public safety base stations and repeaters were shut down due to heavy ice damage and power failures from a recent severe Ice Storm in January 2010. Roads were blocked by down power lines and ice. Local GMRS CERT groups in the area mobilized and were able to coordinate rescue, security, humanitarian support and basic needs for those who were unable to evacuate due to power, heat and communications loss.

- f. Establishing a common method of measuring power output makes good sense and we recommend the Commission change the power limit for GMRS Base Stations from five watts ERP to five watts transmitter output.

4. Narrow banding GMRS Channels

- a. Narrow banding of GMRS channels certainly will foster more efficient spectrum use and possibly reduce some interference between GMRS and FRS users. While narrow banding would not necessarily impose a burden upon GMRS radio manufacturers, we would mention that it would impose a severe burden on individual GMRS licensees.
- b. Most of the GMRS repeater equipment is Part 90 equipment handed down from other agencies or even new Part 90 repeater equipment. This equipment is expensive to an individual as compared to a commercial business with normally larger funds for this purpose. Even GMRS portable and mobile equipment would be useless except for the more expensive recent equipment now being manufactured. A much longer timetable should be in place for the transition to narrow banding in GMRS. A minimum of three years would be reasonable but even then, expensive and a hardship on people.
- c. Limiting the manufacture or importation of wideband GMRS equipment by January 1, 2011 will probably not be a major issue. There is no special rush to establish narrow banding in the GMRS series and the Commission should proceed with accuracy and consideration when deciding these matters.
- d. Our suggestion is to create narrow banding in various steps. Perhaps January 1, 2011 would be the cutoff date for the manufacture and importation of wideband equipment. One year later, January 1, 2012 would be the cutoff for the sale of said equipment. Finally, after December 31, 2013, wideband equipment for all GMRS equipment would be prohibited.

5. Section 95.29(g) -

- a. The deletion of this section of Part 95 does not appear to have a negative bearing to the overall operation of either GMRS fixed stations or Part 90 private land mobile radio service users. In the interest of limiting unnecessary rules we recommend the deletion of this section based on the recommendation of the Commission.

6. Garmin International PRM -

- a. We agree with the Northern California GMRS Users Group in the opposition to the proposal by Garmin International for GPS integration into GMRS certified equipment. The benefit already exists in FRS and the risk of interference is too high to further this technology into the GMRS series. GMRS repeater owners already experience excessive interference from FRS radio operation. This warning was made many years ago to the Commission and to Tandy and other potential manufacturers of FRS equipment when two prototype FRS radios on loan were experimented by the Corona-Norco REACT Team (KAC1046) and Mr. Robert K. Leef (KAB5295). It is hoped the Commission will listen closely to the argument against this proposal this time. If you desire GPS information, buy a GPS unit. If you desire a two-way radio, buy a transceiver. The two should not mix. It is simply another “toy” gimmick for the manufacturers of radio equipment to sell product!

C. Family Radio Service -

- 1. We affirm the prohibition of FRS radios with licensed services of maritime, aviation, public safety, and amateur frequencies to the benefit of those licensees and the public. We do not hold this position with other licensed services such as Amateur (Part 97), GMRS (Part 95A) or Commercial (Part 90) services. We believe FRS radios capable of transmitting into licensed services should be prohibited in FRS equipment including GMRS. We can find no merit in combining Marine Service frequencies with FRS radios. FRS is basically a “toy” for consumers to communicate among family members during outings and gatherings to remain in contact. Marine Service frequencies often concern risk of life or property and there is no room for accidental wrong channel use in the FRS radio. Prohibit entirely all Marine band access in FRS radios.
- 2. The enforcement for this should begin with the manufacturers’ certification process. Disallow the modification or manufacture of any FRS radio which can transmit in licensed bands except GMRS.
- 3. A matter not specifically mentioned in this NPRM is the capability of FRS radios with respect to range or transmit for distance.

D. Citizens Band Radio Service -

- 1. With respect to Omnitronics’ proposal for a wireless microphone for use in CB, We agree with the position of the Commission to allow said equipment. However, we would extend the position to other Part 95 services also to enhance road safety and for the safety of the general public outside the radio community. This device would be valuable with GMRS and other radios utilizing hand microphones. We would encourage the expansion of this device.

2. The rules for CB, GMRS, and FRS services should all share the same general channel sharing requirements by placing limitations on the length of communications with a required pause before initiating a new conversation except during emergencies.
3. There continues to be a rule needed due to interference concerns with uses outside the CB band.
4. Certainly the continuous transmissions in order to prevent the use by other users should be frowned upon. The transmission of unnecessary noises, alert signals, and broadcasting should be prohibited in ALL bands of the Personal Radio Service. It is not only annoying but totally unnecessary for proper communications between parties. A continuous conversation by one party should not last longer than 60 seconds. Unkeying and transmitting a second continuous conversation should be allowed only once before allowing another user to participate in the conversation.
5. We favor retaining section 95.413(a)(6) prohibiting the transmission of music, whistling, sound effects or any other material to amuse or entertain on any of the Part 95 bands. I see no benefits to allowing these activities in the Part 95 services. Existing rules should remain in place and apply these rules to the remaining sections of Part 95 to be effective in three years allowing existing equipment to depreciate over this term.
6. Consolidating rules are generally a good process making the code easier to read. However, sometimes a reiteration of a similar rule is necessary to reinforce the seriousness or nature of the rule. This is probably the case with CB in that it is so easy to modify the equipment for use out of band. We are in favor of repeating the prohibition of equipment modification in Section 95.33.
7. Let's not blame the equipment for improper communications. Let's put the blame where it deserves and that is the operator of said equipment. To restrict directional or beam antennae for CB is not the answer to control transmission distances. Neither is reducing power restrictions even lower than it already is. The way to deal with Section 95.413(a)(9) is in the enforcement which has been lacking for years. To make radical changes in the codes is simply an excuse not to enforce the very rules put in place to control these very actions. The same excuse is obvious in the FRS/GMRS arena whereby rules are seldom enforced and a blind eye is more often the norm.

E. Radio Control (R/C) Service – No response or recommendations.

F. 218-219 Service – No response or recommendations.

G. Personal Locator Beacons – No response or recommendations.

H. Other Part 95 Services – No response or recommendations.

Comment :

We understand the Commissions attempt to streamline the Personal Radio Services, but we are afraid that some of the proposals in the process will destroy GMRS, which we believe to be the jewel of the Personal Radio Services. Many of our users are located in areas with poor and/or spotty cellular phone coverage and rely on GMRS for every day communication. We are offended that the Commission would even cite the term “other commercially available options”, as prevailing thought is that the Commission is in the pockets of business and not working honestly for the citizens.

We feel the commission should leave the current infrastructure in place for the GMRS band and not continue to split it apart and allow other commercial applications infringe upon the small spectrum it has been allocated. We feel this can be done if the commission takes a closer look at the current band plan, and take a closer look at parts of the band that has been freed up by the non use of analog TV audio and video broadcasts, since the inception and broadcast of Digital TV. We feel the commission should consider placing the commercial (GPS-Texting-Data-Voice) development in a spectrum that will not upset the very GMRS balance that has time and tenure within the UHF band. It is a misrepresentation to LUMP the operations of licensed GMRS communications with unlicensed FRS/GMRS toys.

It is time that the commission step up and support the true nature of licensed GMRS operations in this country and support the further development of more channel allocations, repeater networking, and provide appointments of “Official Observers “for self discipline enforcement of the GMRS band.

Not everyone wants to rely on cell phones for their sole communications resource, nor should a person have to. Time and time again, disasters and emergencies have struck that rendered the cellular system out of service either by damage or user overloading. A working GMRS system, for instance, often times provide an alternative method of communication in both emergency and everyday use. We feel that by removing the repeaters and higher-powered radios from GMRS is not only a disservice to citizens, but another usurpation of liberty from the citizens by the government.

We have offered our opinion on the Notice of Proposed Rule Making, and hope that the FCC will continue to allow licensed mobile radios and repeater systems for those of us that wish not to be another “phone subscriber”. GMRS is alive and well in Georgia, and we’ve got over a 1333 users to prove it.

Respectfully submitted;
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North Georgia GMRS

