

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of:)	
)	
Review of the Commission’s Part 95 Personal Radio Services Rules)	WT Docket No. 10-119
)	
1998 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, L.L.C.)	RM-10844
_____)	

COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) hereby submits these comments in response to the Notice of Proposed Rulemaking issued by the Federal Communications Commission (“Commission”) recommending certain revisions to the Part 95 Personal Radio Services (“PRS”) rules.¹ In these comments, Motorola offers its perspective as a technology developer and equipment manufacturer on the Commission’s proposed revisions to the rules governing the General Mobile Radio Service (“GMRS”).²

¹ See Review of the Commission’s Part 95 Personal Radio Services Rules, WT Docket No. 10-119, *Notice of Proposed Rulemaking and Memorandum Opinion and Order on Reconsideration*, 25 FCC Rcd 7651 (2010) (“*NPRM*”).

² The GMRS rules are contained in Subpart A of Part 95 of the Commission’s rules. See 47 C.F.R. § 95.1 *et seq.*

I. INTRODUCTION

Motorola supports the Commission’s goal in this proceeding “to simplify, streamline, and update the Part 95 rules to reflect technological advances and changes in the way the American public uses the various Personal Radio Services.”³ As the Commission recognized in the NPRM, some of the Part 95 rules are decades old and, due to the natural evolution of these services, require some revisions. However, it should be noted that existing users have made significant investments in Part 95 equipment and have integrated Personal Radio Services into their professional and personal communications activities. The Commission should therefore move cautiously in amending rules that may alter the fundamental characteristics of these services. While some substantive rule changes might increase the overall utility of GMRS, others risk stranding the investments of users and threaten the aspects that make these services unique.

II. DISCUSSION

In the NPRM, the Commission proposes various changes to the GMRS service rules, including those governing the licensing, eligibility of use, transmit power, and bandwidth of the service. The Commission also proposes to permit the transmission of GPS data and user-generated text messages over GMRS frequencies. The NPRM also seeks comment on prohibiting the certification of certain radios that combine PRS capability with operations in other bands in the same device. Motorola addresses each of these proposals below.⁴

³ *NPRM* at 7652 ¶ 2.

⁴ The Commission also proposes to delete from its rules Section 95.29(g), which grandfathers certain fixed GMRS stations authorized before March 18, 1968 that operate on nonconforming channels. Motorola is not aware of any such legacy operations that are ongoing, and takes no position on this proposal.

GMRS Licensing and Eligibility. GMRS is an individually licensed personal radio service that operates on a shared basis over 25 kHz wide channels at 462 MHz.⁵ Under current rules, eligibility to receive a GMRS license is restricted to individuals 18 years of age or older. The Commission proposes to transition GMRS to a much more flexible “license by rule” regime and to remove the eligibility criterion that prevents individuals under 18 years old from being licensed to operate GMRS stations.⁶ The Commission also seeks comment on opening GMRS licensing to non-individuals, such as corporations and other businesses.

Under the current rules, GMRS is unique among the radiocommunication services. Although GMRS has long been a licensed service, the Commission’s rules provide much greater flexibility than in many similar licensed services, such as Part 90 private land mobile radio systems. Simultaneously, when compare to other PRS services, such as the Family Radio Service (“FRS”)⁷, which are licensed by rule and not limited to use by individuals, GMRS systems can operate at higher powers and in configurations including base stations and repeaters.

As the Commission recognized in the NPRM, one of the most common consumer uses of GMRS frequencies is in lower power combination GMRS/FRS portable radios popular for outdoor activities and other recreational uses. However, GMRS radios also have important uses in more regular communications through local repeater networks, and

⁵ See 47 C.F.R. § 95.29. GMRS systems employing repeaters operate in frequency pairs with channels at 467 MHz used for transmissions to the repeater station. See 47 C.F.R. § 95.29(b).

⁶ See *NPRM* at 7662-63 ¶¶ 27, 29-30.

⁷ The FRS rules are contained in Subpart B of Part 95 of the Commission’s rules. See 47 C.F.R. § 95.191 *et seq.*

play a significant role in providing interoperable communications to individuals and volunteer public service groups, particularly during times of emergency. Any alterations to the Commission's GMRS licensing and eligibility rules should be made in such a way as to preserve and promote each of these forms of use.

If the Commission proceeds with its proposal to license GMRS systems by rule, it should limit this change to portable radios operating at 2 watts or less effective radiated power ("ERP"). Licensing low-power portable units by rule fits how these devices are marketed and used today. As discussed in the NPRM, many users of portable GMRS radios already operate without the required station license, and the service continues to be of value to its many users. This change will also further harmonize the rules governing GMRS portables with those applying to FRS portables, promoting simplicity and reducing administrative burdens. Since the inception of the service, FRS portables have been licensed by rule. Because GMRS portables are often being used interchangeably with FRS devices, the two may be treated the same for licensing purposes.

However, higher powered operations, particularly those systems implementing base stations and repeaters, should continue to be authorized pursuant to an individual station license. The ability to cover larger distances and support more users through the use of higher transmit powers, base stations, and repeaters, are central to what distinguishes GMRS from other PRS systems. With these higher power operations, however, come a greater potential for interference and a greater need for accountability on behalf of operators. The current licensing regime promotes responsible use of these systems with a relatively small administrative burden.

If the Commission decides to adopt a license by rule regime for GMRS portable radios, Motorola supports removing the age-based eligibility restriction for these devices. Under the current rules, individuals of any age are already authorized to use a GMRS radio if permitted by an immediate family member holding a license. Monitoring and enforcing an age restriction under a license by rule regime for GMRS portable radios would likely be impossible, as well as of questionable benefit. As with the individual licensing rules, however, the Commission should retain an age-based eligibility criterion on licensing of higher power, base station, and repeater operations. Because of the potential for interference and congestion if they are misused, it is reasonable to place such a restriction on these devices.

The Commission also seeks comment on whether it should revise the GMRS service rules that restrict businesses from obtaining licenses in this service. When the Commission adopted the individual licensing eligibility criteria in 1988, it stated that “[a]s a personal radio service, GMRS should not be compromised for the benefit of commercial users at the expense of personal users. Business communication needs, particularly the needs of large-volume dispatch operations, should be satisfied through the use of communications alternatives other than GMRS.”⁸ This reasoning remains valid today. Moreover, business entities now have the option of using licensed-by-rule FRS or Multi-Use Radio Service (“MURS”) frequencies, both of which did not exist in 1988. Motorola therefore recommends that the Commission preserve GMRS for individual use.

⁸ Amendment of Subparts A and E of Part 95 to Improve the General Mobile Radio Service (GMRS), PR Docket No. 87-265, *Report and Order*, 3 FCC Rcd 6554, 6556 ¶17 (1988).

Transmit power and RF exposure. Despite the increased popularity of small portable GMRS radios, the current service rules do not specifically provide technical specifications for such devices—the rules provide specifications for “mobile” devices. In the NPRM, the Commission proposes to adopt rules prohibiting the operation of GMRS portable devices at more than 2 watts ERP and requiring routine specific absorption rate (“SAR”) evaluation for portable GMRS devices to meet the General Population/Uncontrolled Exposure limits of Section 2.1093(d)(2) of the Commission’s rules.⁹ Motorola believes that most commercially available GMRS portable transmitters are already manufactured or could be manufactured to meet these criteria. Accordingly, Motorola supports subjecting new device certifications to these requirements. Existing equipment authorizations, however, should be grandfathered.

Narrowbanding. Currently, GMRS operates with 25 kHz channel spacing. The NPRM seeks comment on the advisability and timing of transitioning the service to operations on 12.5 kHz channels.¹⁰ Motorola opposes the narrowbanding proposal, as the benefits are significantly outweighed by the inherent costs. Although, the NPRM points to the ongoing Part 90 narrowbanding process and the current 12.5 kHz channel spacing in the FRS to assert that narrowbanding would not impose an undue burden on GMRS manufacturers,¹¹ it does not sufficiently address the substantial costs and confusion that would be incurred by consumers. Unlike Part 90 private land mobile radio services, GMRS is an individual consumer service. Transitioning to 12.5 kHz would require

⁹ See NPRM at 7663-64 ¶¶ 32-33.

¹⁰ *Id.* at 7665 ¶ 37.

¹¹ *Id.* at 7665 ¶ 36.

reconfiguration of existing consumer operations, including repeater-based networks. This would place an unreasonable financial hardship on individual GMRS licensees.

The costs to consumers of narrowbanding are particularly unjustified in light of the questionable benefit of the proposal. Although the NPRM asserts that narrowbanding would promote more efficient use of the GMRS spectrum,¹² the Commission does not propose termination of 25 kHz operations and there is no indication that additional channels will be eventually added. Yet even if there were, although GMRS is a vibrant and growing service, there is no indication at this time that imminent congestion in the band would justify this cost. The Commission should decline to adopt this unnecessary and costly rule change.

GPS and Text Message Transmissions. The Commission seeks comment on a proposal to allow the transmission of GPS location information and user-generated text messages over the GMRS frequencies, as requested in a Petition for Rulemaking of Garmin International, Inc..¹³ Similar rules have already been adopted for the FRS, and GPS-enabled FRS radios are commercially available and popular with outdoor enthusiasts and other consumers. Motorola supports this proposal, but only as applied to personal, non-business use of portable radios. Person to person location information and text message communications across the longer distances enabled by GMRS devices would be highly desirable to many consumers and could have significant personal safety benefits, particularly when hunting, hiking, or engaging in other outdoor activities.

¹² *Id.* at 7665 ¶ 36.

¹³ *Id.* at 7666-68 ¶¶ 39-42; *see also* Garmin International, Inc. Petition for Rulemaking, RM-10762 (filed July 22, 2003).

This proposal should only be adopted if the Commission retains the eligibility criteria that prevent businesses from receiving GMRS licenses, as discussed above. Although the concerns about interference raised by commenters are not insignificant, if this functionality is limited to personal use by individuals, the traffic is unlikely to cause a major impact on channel availability or repeater operations. In contrast, industrial or commercial use of GPS-enabled GMRS devices—for example, to facilitate transmission of voice communications and vehicle location information between a fleet of taxi cabs and its dispatch station—would be likely to overrun the GMRS channels.

Combination Radios. Prompted by public safety concerns related to the availability of radios that include both FRS and VHF marine frequencies, the Commission seeks comment on a proposal to prohibit the pairing of PRS functionality with the capability to transmit on frequencies in certain licensed services.¹⁴ Motorola shares the Commission’s concern about disruptive unauthorized communications over licensed frequencies. However, certain combination radios are highly useful to consumers and pose no significant risks. For example, combination GMRS/FRS radios are popular with consumers and offer increased flexibility in terms of range and available channels. Moreover, there is no clear reason why authorized users of licensed services should not have the option of acquiring combination radios that would allow them to communicate in the licensed by rule personal radio services, if they abide by all other relevant licensing and service rules. For these reasons, Motorola opposes the proposed prohibition on combination radios. At the very least, if the Commission does move forward with this

¹⁴ See *NPRM* at 7669 ¶ 47.

proposal, it should ensure that its rules don't interfere with highly useful and largely unproblematic combination radios, such as combination GMRS/FRS portables.

III. CONCLUSION

GMRS and the other Personal Radio Services play an important role by providing low-cost, efficient, and accessible communications services to consumers. GMRS in particular is unique among wireless services because of its range and flexibility, and the fact that it has historically been protected from large scale use by business organizations that might otherwise crowd out individual users. As the Commission streamlines and modernizes the PRS rules through this proceeding, it should ensure that these defining characteristics of GMRS are preserved for the multitude of users that have embraced them.

Respectfully submitted,

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