Before the
Federal Communications Commission
Washington, D.C. 20554

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

To: The Commission

REPLY COMMENTS OF MIDLAND RADIO CORPORATION

1. Introduction. Midland Radio Corporation ("Midland") hereby submits these Reply Comments in the above-captioned proceeding.[1] Midland is a worldwide industry leader in both professional and consumer wireless communications products. Its consumer products include General Mobile Radio Service (GMRS), Family Radio Service (FRS), Citizens Band (CB), and VHF-FM marine radios. In the United States, Midland holds its own equipment authorizations for the products it markets, regardless of by whom the products are manufactured. Midland is familiar with the details of product design as well as marketing and is highly attuned to consumer demand and preferences for radio products.

[1] *See Review of the Commission's Part 95 Personal Radio Services Rules*, Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration, FCC 10-106, released June 7, 2010, 25 FCC Rcd. 2651, 75 FR 47142 (8/4/2010) ("NPRM").

2. GMRS Power Limit. Midland disagrees with commenters who advocate reducing the power limit for GMRS radios to two watts. There is no need for such a restriction for several reasons:

a. Consumers want the extra distance capability that results from five watts, and they are willing to accept any associated additional cost, size/weight, and battery drain.

b. Midland does not consider it difficult to produce a combination GMRS-FRS radio that has both two- and five-watt capability, restricts FRS channels to two watts, and allows five-watt operation on only GMRS channels. There is no need to limit GMRS power to two watts to avoid unlawful five-watt transmissions on channels restricted to FRS.

c. Midland's advanced battery technology can sustain five-watt operation in a hand-held radio for a reasonable amount of time. Consumers can choose whether to enjoy longer battery life at lower power or shorter life at higher power; but five-watt operation does not necessarily drain the battery in so short a time as to impair usefulness of the radio.

While Midland does not support any reduction in the five-watt power level for any GMRS radios, there is even less reason to reduce power for radios installed in vehicles, where the electric power supply is ample. Operators of vehicles in motion are most likely to need the greater signal range provided by five watts of power, and there is no reason to deprive them of that capability.[2]

---

[2] It is obvious that nothing prevents a manufacturer from offering radios that have only two-watt capability on GMRS channels if it wishes to do so. The point is that there is no need for the Commission to make a decision that should be made by private entities based on their judgment of consumer demand and product marketability.

3. GMRS Bandwidth. To the extent that there is disagreement over whether to terminate 25 kHz bandwidth operation in the GMRS and to limit all radios to 12.5 kHz bandwidth, Midland supports imposing a 12.5 kHz limit.

a. The narrower bandwidth is now a well developed technology and allows for more efficient use of the spectrum by increasing the number of available channels. The slight increase in quality from using the wider bandwidth is not sufficient to justify the inefficiency that accompanies wider bandwidth operation.

b. Allowing both bandwidths cuts against the Commission's objectives of promoting compatibility and interoperability among GMRS users and facilitating emergency communications.[3] Quality and intelligibility suffer if the transmitter and receiver operate with incompatible bandwidths, assuming that the receiver can deliver intelligible audio at all.

4. Combination Radios. There is considerable consumer demand for multipurpose radios beyond the common combination of GMRS and FRS. Consumers want CB capability in radios capable of operating in other Personal Radio Services (PRS). There is no longer any good reason to retain the prohibition in Section 95.655(a) against combining CB and other services in a single radio. At one time, the potential for tampering with CB radios to make them operate on unauthorized frequencies or with excess power was a serious regulatory problem and required tight regulatory oversight of component layout and design. However, today, with the advent of more sophisticated integrated circuit chips (ICs) which perform multiple functions in a sealed

[3] The Commission enunciated these objectives proposing that the prohibition against voice scrambling be retained. "We believe that voice-obscuring techniques, which go beyond the ubiquitous, standardized tone squelch, are inappropriate for these services. Specifically, we believe that these voice-obscuring techniques could thwart the channel sharing protocols in these services and the ability to communicate during an emergency." NPRM at par. 20.

casing, the opportunity for tampering has largely disappeared. The different wavelength of CB channels compared to other PRS services in effect requires separate CB RF circuitry in a combination radio. If all critical CB functions are contained in permanently encased IC's, tampering by users should no longer be a concern, and manufacturers should be permitted to respond to consumer demand.[4]

5. Other CB Issues.

a. To the extent that par. 15-16 of the *NPRM* may be interpreted as suggesting that the Commission may regulate the power of CB transmitters by effective radiated power rather than transmitter power output, Midland opposes such a change, because measurement of ERP at 27 MHz is more difficult than at higher frequencies.

b. Midland also supports permitting wireless hands-free microphones in the CB service, as those devices are well within the scope of existing technology, and there is consumer demand for the product. Moreover, hands-free capability reduces the distraction caused by radio use by vehicle drivers and so will promote safety on the highways.[5]

---

[4] Midland recognizes that combining VHF-FM marine capability with other PRS services raises an issue regarding user eligibility, which does not arise with the other PRS categories. However, it hurts VHF-FM marine users if they are required to buy a separate radio to transmit on GMRS or FRS frequencies, so the Commission should consider whether it is possible to allow service combinations in radios that are marketed primarily for marine use. Even without combination radios, it is easy for ineligible consumers to buy VHF-FM marine radios. Cost may be an effective barrier to widespread abuse; but adding other services will add cost and so will not reduce whatever barriers to abuse exist now.

[5] Indeed, it is well known that many states ban the use of cellphones by drivers of vehicles unless they are used in a hands-free mode. CB radios are also used in vehicles, and the same safety considerations apply.

6. Conclusion. Midland appreciates the Commission's devoting time and attention to improving PRS and hopes that these Reply Comments will offer some insight into areas where the marketplace can self-regulate without risk, and regulatory intervention is unnecessary.

Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th St., 11th Floor
Arlington, VA 22209-3801
Tel. 703-812-0404
Fax 703-812-0486

Respectfully submitted,

Peter Tannenwald
Counsel for Midland Radio Corporation

September 20, 2010