

Memorandum to:

FCC Secretary  
Ms. Marlene Dortch

Received & Inspected

From:

James E. Whedbee

APR 02 2013

Re:

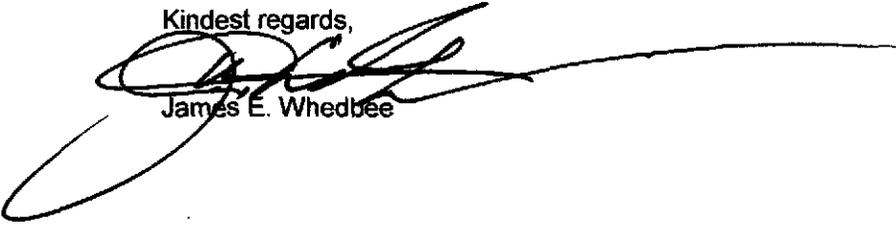
Enclosed Petition for Rulemaking

FCC Mail Room

Dear Madam Secretary:

Please docket the enclosed Petition for Rulemaking with the Office of Engineering and Technology (OET). In advance, thank you!

Kindest regards,

  
James E. Whedbee

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APR 02 2013

FCC Mail Room

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

In the Matter of )  
 )  
Amendment of Part 2 to )  
Liberalize Equipment )  
Used by Licensees/Permittees )

Docket No. \_\_\_\_\_

To the Commission:

**PETITION FOR RULEMAKING**

COMES NOW the Petitioner, JAMES EDWIN WHEDBEE, who pursuant to Sections 1.41 and 1.401 of the Commission's rules and regulations (47 CFR §§ 1.41 and 1.401) respectfully petitions it issue a Notice of Proposed Rulemaking at its earliest possible convenience amending Part Two (2) of the rules and regulations to liberalize equipment use by licensees and permittees. As good cause therefor, Petitioner states as follows.

1. Petitioner is a licensee; accordingly, Petitioner has standing.
2. Petitioner could be impacted by the proposed rule because of improved equipment availability and reduced costs.
3. Petitioner suggests the proposed rule would enhance demand for employment in equipment manufacturing by widening markets.
4. Petitioner suggests the proposed rule will provide for backup transmitters thereby enhancing public safety.
5. Petitioner proposes the following rule and text thereof be adopted by the Commission:

**"2.817 - Licensees Using Part 15 Devices**

(a) Devices authorized for use by consumers under Part 15 are not prohibited to licensees of radio transmitters under other rule parts. Licensees using Part 15 devices must comply with the limitations contained in Part 15. Part 15 devices do not require separate equipment authorization under the rule part governing licensed operations. For all intents and purposes of this section, a licensee includes permittees and those operating under special temporary authority or other instruments of authorization from the Commission.

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(b) Licensees using Part 15 devices are restricted to the frequencies stated in their instrument of authorization as well as those for intentional radiators in Part 15. Licensees using Part 15 devices must comply with the other terms and conditions of their instrument of authorization, except for spectral purity requirements differing from those governing the Part 15 device being operated by the licensee. If the use of a Part 15 device by a licensee would require that licensee to notify the Commission of reduced power or other matters, the licensee shall do so in accordance with the rules and regulations governing its instrument of authorization. If the use of a Part 15 device by a licensee would require a modification of its instrument of authorization, the licensee shall file same immediately. While an application for modification of any instrument of authorization is pending because a licensee is using a Part 15 device, the operations contemplated in the application may proceed; however, nothing herein shall be construed as approval by the Commission of such application.

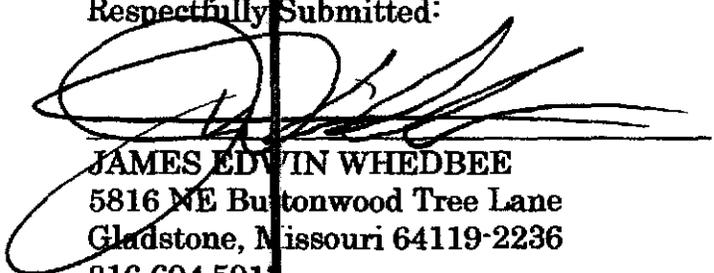
(c) This section supersedes any contrary regulation elsewhere from the date it takes effect. This section shall not apply retrospectively."

6. If, for any reason, this Petition fails to meet any formal tests or the Commission cannot formally act upon it, Petitioner respectfully requests it nevertheless be granted by way of informal action, pursuant to Section 1.41 of the Commission's rules and regulations.

WHEREFORE, Petitioner respectfully requests the Commission issue its Notice of Proposed Rulemaking favoring adoption of the rule proposed hereinabove, and subsequent to its Notice of Proposed Rulemaking, that the Commission in fact order the proposed rule take effect.

Respectfully Submitted:

March 27, 2013



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