

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

In the Matter of )  
)  
Amendment of Section 95.413 of the )  
Commission's Rules Prohibiting Communications ) RM-9807  
or Attempts to Communicate with Citizens Band )  
Radio Service Stations More Than 250 Kilometers )  
Away )

ORDER

Adopted: August 18, 2000

Released: August 21, 2000

By the Associate Chief, Wireless Telecommunication Bureau:

I. INTRODUCTION

1. We have before us a petition (Petition) filed by Alan Dixon (Dixon) requesting amendment of Section 95.413 of the Commission's Rules<sup>1</sup> to authorize stations in the Citizens Band (CB) Radio Service to communicate with other CB Radio Service stations more than 250 kilometers (km) (155.3 miles) away, and to communicate with stations in foreign countries.<sup>2</sup> Based on our review of the record, we conclude that issuance of a *Notice of Proposed Rule Making* and the commencement of a separate proceeding regarding this matter is not warranted. Dixon's request is inconsistent with the purpose of the CB Radio Service and could fundamentally alter the nature of the service. Therefore, we deny Dixon's Petition.

II. BACKGROUND

2. The CB Radio Service is a private, two-way, short-distance voice communications service for personal or business activities of the general public.<sup>3</sup> It allows any individual, other than a representative of a foreign government or a federal government agency,<sup>4</sup> to transmit two-way plain language communications, *i.e.*, communications without codes or coded messages, only to other CB stations, to units of his or her own CB station or to authorized government stations on CB frequencies.<sup>5</sup> These communications may be about a person's personal or business activities or those of members of his or her immediate family living in the same household; emergencies; or traveler assistance information.<sup>6</sup>

<sup>1</sup> 47 C.F.R. § 95.413.

<sup>2</sup> See Petition for Rule Making, RM-9807, filed by Alan Dixon, on November 3, 1999 (Petition).

<sup>3</sup> See 47 C.F.R. § 95.401(a).

<sup>4</sup> See 47 C.F.R. § 95.403(a).

<sup>5</sup> 47 C.F.R. § 95.412(a).

<sup>6</sup> 47 C.F.R. § 95.412(a)(1)-(3). Emergency communications include essential communications needs in connection with the immediate safety of human life and immediate protection of property. Traveler assistance (continued....)

Communications also may be transmitted concerning civil defense activities in connection with official tests or drills conducted by, or actual emergencies announced by, the civil defense agency with authority over the area in which the station is located.<sup>7</sup> The Rules prohibit a CB station from communicating with, or attempting to communicate with, any CB station more than 250 kilometers (155.3 miles) away,<sup>8</sup> and from communicating with stations in other countries, except General Radio Service stations in Canada.<sup>9</sup>

3. On November 3, 1999, Dixon filed a petition for rule making requesting amendment of the CB Radio Service rules to eliminate the prohibition against CB Radio Service stations communicating with other CB Radio Service stations more than 250 km away and to allow CB Radio Service stations to communicate with stations in other countries, subject to any restrictions or exclusions that may be imposed by either the international *Radio Regulations (Radio Regulations)* or the government of any country subject to the *Radio Regulations*.<sup>10</sup> Dixon states that CB operators should not be constrained from contacting distant CB stations in order to facilitate communications for personal convenience, navigation, travelers assistance, and emergency and disaster communications.<sup>11</sup> In addition, Dixon states that the propagation characteristics of frequencies allocated to the CB Radio Service are well understood to be capricious and unpredictable,<sup>12</sup> and that a user should not need a technical understanding of radio wave propagation, or a frame of reference limited to an arbitrary geographic radius.<sup>13</sup> He requests amendment of the rules to eliminate restrictions on the distance CB Radio Service stations may communicate,<sup>14</sup> and states that allowing such communications will not substantially alter the primary use of the CB Radio Service as a short-range communications service.<sup>15</sup>

4. The Commission sought comment on Dixon's Petition on January 14, 2000.<sup>16</sup> Comments and reply comments were received from CB Radio Service operators and organizations representing them, amateur radio operators and the American Radio Relay League, Inc. (ARRL), and the National Association

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communications include communications necessary to assist a traveler reach a destination or to receive necessary services. See 47 C.F.R. § 95.418.

<sup>7</sup> 47 C.F.R. § 95.412(a)(4).

<sup>8</sup> 47 C.F.R. § 95.413(a)(9).

<sup>9</sup> 47 C.F.R. § 95.413(a)(11).

<sup>10</sup> Petition at 5-8.

<sup>11</sup> *Id.* at 1.

<sup>12</sup> *Id.* Dixon states that it is difficult for CB operators to determine the range of their stations' communication without actually first establishing an errant long-distance contact, and that such communications occur frequently, with or without the operator's knowledge. *Id.* at 2-3.

<sup>13</sup> *Id.* at 2.

<sup>14</sup> *Id.* at 2-5.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> Petitions for Rulemaking Filed, *Public Notice*, Report No. 2381 (rel. Jan. 14, 2000).

of Broadcasters (NAB). CB Radio Service operators generally support the proposed rule amendment.<sup>17</sup> They state that the present rule is unenforceable,<sup>18</sup> and that communications in excess of 250 km are inadvertent<sup>19</sup> and beyond the operator's control due to the eleven-year sun spot cycle or other natural phenomena.<sup>20</sup> Jock Elliott and others state that the phenomenon of communicating beyond 250 km can be avoided only by relocating the entire CB Radio Service to different spectrum.<sup>21</sup>

5. The ARRL opposes the Petition on the grounds that this proposal seeks to redefine the purpose of the CB Radio Service by allowing long-distance CB communications, which would undermine the core distinction between the CB Radio Service and the Amateur Radio Service.<sup>22</sup> Similarly, Collin Dvork (Dvork) states that the rule should not be revised because the CB Radio Service is not a DX (long-distance) service, and someone who wants DX should obtain an amateur radio license and use bands that are allocated for it.<sup>23</sup> The NAB also opposes the Dixon Petition. It states that the restriction in Section 95.413(a)(9) is necessary to deter CB operators from operating at power levels in excess of those permitted under the Commission's rules,<sup>24</sup> and that consumers must be protected from illegal CB radio transmissions that interfere with radio, television, telephone, and other forms of electronic communication.<sup>25</sup>

### III. DISCUSSION

6. After consideration of the record, we believe that the requested revisions to the rules are inconsistent with the purpose of the CB Radio Service. As an initial matter, we agree with the ARRL<sup>26</sup> that the purpose of the CB Radio Service is to provide for short-distance personal and business radiocommunications and we note that this purpose has not changed since the service's initial authorization.<sup>27</sup> We also note that the Commission was aware that the frequency band it authorized for the

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<sup>17</sup> See, e.g., Jeremy Cusick Comments at 1; Mr. McGovern Comments at 1; David I. Pope Comments at 1; Mike Wigginton Comments at 1; Alicia Eversole Comments at 1.

<sup>18</sup> Jock Elliott Comments at 1; Fabian Carbone, *et. al* Comments at 1; Alan Dixon Reply Comments at 3.

<sup>19</sup> See, e.g., Chris Schmidt Comments at 1; Ed Barnat Comments at 1; Rev. Michael Reed Comments at 1; Todd Bathrick Comments at 1; Harold A. Ort Comments at 1.

<sup>20</sup> Fabian Carbone, *et. al* Comments at 1; David I. Pope Comments at 1; Steven C. Grubb Comments at 1 ("It [propagation] is a law of physics....[W]hen the band opens up, communications are possible coast to coast on 4 watts."); David McCuen Comments at 2; Harold A. Ort Comments at 1; Francesco Paolino Comments at 1-2.

<sup>21</sup> See, e.g., Jock Elliott Comments at 1; Steven C. Grubb Comments at 1; Doug Walker Comments at 1; Jim Shanahan Comments at 1.

<sup>22</sup> ARRL Comments at 1-2.

<sup>23</sup> Collin Dvork Comments at 1.

<sup>24</sup> NAB Comments at 3.

<sup>25</sup> *Id.* at 1.

<sup>26</sup> ARRL Comments at 2.

<sup>27</sup> See Complete Revision of Part 19, Rules Governing the Citizens Radio Service, and Reallocation of Frequencies in the Range 26.96-27.23 Mc from the Amateur Radio Service to the Citizens Radio Service, *Second* (continued....)

CB Radio Service was affected by the eleven-year sunspot cycle and that communications on this band could be propagated over great distances.<sup>28</sup> Nevertheless, the Commission found that the public interest, convenience and necessity was served by the allocation of these channels to what was then called the Citizens Radio Service<sup>29</sup> for short-distance personal and business radiocommunications.<sup>30</sup> We conclude that the main premise of the Dixon Petition – that CB Radio Service communications over 250 km are unavoidable due to the propagation characteristics of frequencies allocated to the CB Radio Service – was previously considered by the Commission, so this characteristic alone is not a sufficient reason to amend Section 95.413 of the Commission’s Rules.

7. Further, we are concerned that, if Section 95.413 were revised to eliminate the prohibition against communications between CB Radio Service stations more than 250 km away, then the CB Radio Service would be used by individuals to transmit communications that are similar to those transmitted by amateur stations. This result, we believe, would fundamentally change the nature of the service, in fact, it would be transformed from a short-distance voice communications service, where long-distance communications inadvertently can occur, to an examination-free amateur radio-type service, in which long-distance communications would become permissible communications. We note that the Commission stated it had no intention of creating a service paralleling the amateur service when it authorized the Citizens Radio Service, and it did not intend that CB Radio Service stations be used for technical radio experiments or for general contacts of a random nature.<sup>31</sup> In this regard, Dixon and others state that the CB Radio Service already is used for long-distance personal convenience communications<sup>32</sup> and that such use should be permitted.<sup>33</sup> We also note that some individuals used the Citizens Radio Service in this manner before

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*Report and Order*, Docket No. 11994, FCC 58-798 (rel. Aug. 4, 1958) (*Authorization Order*), *Errata* (rel. Sept. 4, 1958). *See also* 47 C.F.R. §§ 19.1, 19.2(a) (1958).

<sup>28</sup> *Authorization Order*, ¶ 2. *See also* Revision of Operating Rules for Class D Stations in the Citizens Radio Service, *Second Report and Order*, Docket No. 20210, 60 FCC 2d 762, 767 ¶ 19 (1976) (“The problem of long distance ‘skip’ propagation at 27 MHz due to the influence of the sunspot cycle is minimal at this time; however, in the next several years, the solar cycle will peak, and it is predicted that much long distance interference will occur.”).

<sup>29</sup> *See* Revision of Operating Rules for Class D Stations in the Citizens Radio Service, *Third Report and Order*, Docket No. 20210, 63 FCC 2d 32, 33 ¶ 4 (1976) (changing the name of the Citizens Radio Service to the Citizens Band Radio Service).

<sup>30</sup> *Authorization Order*, ¶ 2. *See also* Revision of Operating Rules for Class D Stations in the Citizens Radio Service, *Second Report and Order*, Docket No. 20210, 60 FCC 2d 762 (1976) (Commission authorized Citizens Radio Service seventeen additional channels that also were subject to long-distance “skip” propagation).

<sup>31</sup> *See* Class D Stations in Citizens Radio Service, 41 Fed. Reg. 56068, 56090-56091 (1976) (codifying the 150-mile limitation on station communications or attempts to communicate); Revision of Operating Rules for Class D Stations in the Citizens Radio Service, *First Report and Order*, Docket No. 20210, 54 FCC 2d 841, 842 ¶ 6 (1975); SS Bulletin 1001, *What Every Licensee Should Know About in the Citizens Radio Service*, May 1976; SS Bulletin 1001a, *Permissible Communications in the Citizens Radio Service*, February 1961.

<sup>32</sup> *See, e.g.*, Chris Schmidt Comments at 1; Ed Barnat Comments at 1; Rev. Michael Reed Comments at 1; Todd Bathrick Comments at 1; Harold A. Ort Comments at 1.

<sup>33</sup> Petition at 1; Alan Dixon Reply Comments at 3 (repeal of Section 95.413(a)(9) will only serve to legalize what is already in actual practice on the Citizens Band).

the Commission specifically prohibited CB Radio Service stations from communicating with distant stations.<sup>34</sup> Thus, the concern expressed by the ARRL that this proposal would lessen or eliminate the core distinction between the CB Radio Service and the Amateur Radio Service is a valid concern.<sup>35</sup> The Petition presents no compelling reason to propose a rule change that would undermine the purpose underlying the CB Radio Service rules. Rather, we agree with Dvork that someone wishing to engage in amateur service-type communications should seek an amateur radio license and use bands that are expressly allocated for these types of communication.<sup>36</sup>

8. Similarly, in the *Authorization Order* the Commission considered whether communications with foreign stations should be permitted,<sup>37</sup> and decided that Citizens Radio Service stations should be limited to exchanging messages with government stations relating to civil defense and other stations in the Citizens Radio Service.<sup>38</sup> Communications with FCC-licensed stations in other radio services and foreign stations were prohibited.<sup>39</sup> In this regard, we note that the Citizens Radio Service, unlike the amateur service, is not a service recognized in the international *Radio Regulations*,<sup>40</sup> and that allowing Citizens Radio Service stations to communicate without regard to the distance between station would greatly increase the potential for interference with stations licensed by other countries.<sup>41</sup> We also note that the internationally permitted use and allocation applicable to the CB Radio Service frequency band has not

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<sup>34</sup> See Amendment of Part 19, Citizens Radio Service, to Redefine the Permissible Communications in that Service, and to Specify a Time Limitation Thereon, *Notice of Proposed Rule Making*, Docket No. 12987, FCC 59-768, 24 Fed. Reg. 6059 (1959) (proposing revisions to Section 19.61 to prohibit communications which are customary in the Amateur Radio Service).

<sup>35</sup> See Amendment of Part 19, Citizens Radio Service, to Redefine the Permissible Communications in that Service, and to Specify a Time Limitation Thereon, *Report and Order*, Docket No. 12987, FCC 60-134 (rel. Feb. 12, 1960) (revised Section 19.61(g) to prohibit any communication which depends primarily on skywave reflection and communications, which are customary in the Amateur Radio Service). See also Citizens Radio Service Intended for Substantive and Purposeful Communications, *Public Notice* (rel. Dec. 7, 1959) (“[A] licensee of a station should neither call nor answer distance stations which are located outside the local groundwave coverage area of his station.... The practice of using a ‘test’ call for the purpose of inviting DX contacts with unknown stations will be considered a subterfuge in lieu of the general call ‘CQ’ and in violation of the rules. In short, the Amateur Radio Service is available to all persons who seriously desire to engage in amateur-type activities, and the Citizens Radio Service was intended to provide the average citizen with a means to communicate by radio when necessary in the conduct of his personal affairs or business activities.”).

<sup>36</sup> Collin Dvork Comments at 1.

<sup>37</sup> *Authorization Order*, ¶ 2. See also 47 C.F.R. § 19.61 (1958).

<sup>38</sup> 47 C.F.R. § 19.61(a) (1958).

<sup>39</sup> *Id.* See also Revision of Operating Rules for Class D Stations in the Citizens Radio Service, *First Report and Order*, Docket No. 20210, 54 FCC 2d 841 (1975) (maintaining prohibition against communication with an amateur radio station, an unlicensed station, or foreign stations).

<sup>40</sup> See 47 C.F.R. § 2.1.

<sup>41</sup> The international *Radio Regulations* provide that stations in the Fixed and Mobile services, except aeronautical mobile, may be licensed in the the frequency segment segment 26.96-27.41 MHz in ITU Regions 1 and 3. See 47 C.F.R. § 2.106.

changed since the *Authorization Order* was adopted.<sup>42</sup> For these reasons, we conclude that the proposed revisions to the rules are inconsistent with the basis and purpose of the CB Radio Service.

9. With regard to NAB's opposition to the Petition on the basis that consumers must be protected from illegal transmissions<sup>43</sup> on CB Radio Service channels that cause interference with other electronic communications, we agree with Dixon that such transmissions already are prohibited<sup>44</sup> and that, as NAB notes,<sup>45</sup> we take enforcement action against violators of the rules. Therefore, we believe that the concerns expressed by NAB are addressed in the Commission's Rules. We also note, moreover, that equipment that is designed to receive transmissions from broadcast stations, and other electronic equipment such as telephone instruments and computer devices, may unintentionally receive the transmissions of CB stations that are operated in accordance with the rules. In that the equipment that is receiving these transmissions generally is authorized under Part 15 of our Rules<sup>46</sup> on the condition that interference that may be caused by the operation of an authorized radio station must be accepted,<sup>47</sup> we agree with Mr. Ort that the rules presently address the issue of undesired reception of authorized CB Radio Service station transmissions by broadcast receivers.<sup>48</sup>

#### IV. CONCLUSION

10. Amending the rules to permit long-distance and international communications would undermine the purpose of the CB Radio Service rules, and compromise one of the core distinctions between the CB Radio Service and the Amateur Radio Service. Therefore, we conclude that the request in the above-captioned petition for rule making is unnecessary and does not warrant further consideration at this time.

11. Alternate formats of this *Order* (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or by e-mail at <mcontee@fcc.gov>. This *Order* also is available at the Commission's internet site at <<http://www.fcc.gov>>.

#### V. ORDERING CLAUSES

12. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the

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<sup>42</sup> See 47 C.F.R. § 2.106.

<sup>43</sup> Comments of NAB at 1-2. "Illegal transmissions" as the term is used by NAB, refers to CB stations that transmit output power in excess of the output power authorized by the rules. Dixon and others note that the Petition did not request a change in power authorized CB Radio Service stations. See, e.g., Chris Schmidt Comments at 1; Ed Barnat Comments at 1; Rev. Michael Reed Comments at 1; Alan Dixon Reply Comments at 1-2.

<sup>44</sup> Alan Dixon Reply Comments at 1-2. See also, 47 C.F.R. §§ 95.409, 95.411.

<sup>45</sup> NAB Comments at 1.

<sup>46</sup> 47 C.F.R. Part 15.

<sup>47</sup> 47 C.F.R. § 15.5. See also 47 C.F.R. § 15.17.

<sup>48</sup> Harold A. Ort Comments at 1.

Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rule making filed by Alan Dixon on November 3, 1999, RM-9807, IS HEREBY DENIED WITHOUT PREJUDICE.

13. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Diane J. Cornell  
Associate Chief, Wireless Telecommunications Bureau