



Federal Communications Commission
Washington, D.C. 20554

DA 12-1657

October 17, 2012

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1200 Nineteenth Street NW
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Re: Uniden Request for Waiver of Section 95.419(a) of the Commission's Rules

Dear Mr. Skall,

This letter grants the referenced request for waiver that you filed on behalf of Uniden America Corporation on July 12, 2012 (hereinafter "Uniden Waiver Request").¹

Introduction. CB transceivers are used by the general public for short-distance personal and business communications to and from both vehicles and fixed locations. In particular, CB transceivers are still widely used by professional drivers in the long-haul trucking industry to communicate with the drivers of other nearby trucks on the interstate highways. Operation of CB stations is authorized by rule; the Commission does not issue an individual license for each CB station.² CB transceivers are designed to be directly operated by an individual located at the transmitter (local control). To this end, Section 95.419(a) of the Commission's rules prohibits operation of CB stations by radio remote control.³

Uniden's waiver request. Uniden seeks a waiver of Section 95.419(a) as may be necessary to allow manufacture, importation, certification and marketing of its newly-developed push-to-talk cordless microphone for Uniden CB transceivers.⁴ As described in the request, the Uniden cordless microphone operates under Part 15 Subpart D of the Commission's rules in the Unlicensed PCS frequency band (1920–1930 MHz) and employs the established Digital Enhanced Cordless Telecommunications (DECT) protocols and technology that are used in that frequency band.⁵ Uniden argues *inter alia* that Section 95.419(a) was adopted in 1983 to address the issue of remote operation of CB transmitters from distant locations, and that preventing the use of cordless microphones, which have a very short range, was neither contemplated nor intended. Uniden notes that the Commission has acknowledged that the use of

¹ The Uniden Waiver Request is in the form of a July 5, 2012 letter to Julius P. Knapp (FCC Chief Engineer) and may be viewed or downloaded from the Commission's internet web page at: <http://apps.fcc.gov/ecfs/document/view?id=7021997165>

² 47 C.F.R. §§ 95.403, 95.404; 47 U.S.C. § 307(e)

³ 47 C.F.R. § 95.419(a). Remote control means operation of a station from a location other than the transmitter location.

⁴ Uniden Waiver Request at 1– 3.

⁵ Uniden Waiver Request at 6. See http://en.wikipedia.org/wiki/Digital_Enhanced_Cordless_Telecommunications last visited October 3, 2012.

cordless microphones and hands-free devices with CB transceivers installed in vehicles may be beneficial, but thus far has not amended the CB rules to clearly allow such use.⁶

Precedent. In 2003, the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau (PSPWD) denied a request from Omnitronics, LLC (“Omnitronics”) for waiver of the same rule, Section 95.419(a). The purpose of the Omnitronics request was to allow it to produce an aftermarket CB cordless microphone that would work with other manufacturers’ CB radio transceivers. Section 95.607 of the Commission’s rules, however, provides that only the holder of the grant of authorization of a certified CB transmitter may make modifications to that transmitter, including the addition of any accessory or device not specified in the original certification. Because Omnitronics’ proposed product was intended to be attached to CB transmitters for which it was not the holder of the grants of equipment authorization, PSPWD held that Omnitronics was not eligible to seek a waiver of Section 95.419(a). The PSPWD also stated that waiving Section 95.419 would undermine the rule and the rule making process by inviting similar requests from other parties. In this regard, PSPWD noted that Omnitronics had not filed a petition for rule making requesting that Section 95.419(a) be amended. For these reasons, the PSPWD denied the waiver request and then subsequently upheld its denial on reconsideration.⁷

Discussion. In general, we now believe that cordless microphones and hands-free devices used with mobile telecommunications devices can provide important safety benefits to the public. Although the particular Uniden product under consideration herein is a handheld speaker microphone, similar to a standard corded CB microphone, it nevertheless offers some advantages that may promote safety in a mobile environment. For example, as a cordless device, Uniden observes that it will not contribute to a distracting or vision obstructing tangle of overhead cords in a truck cab where other communications devices with microphones may also be in use.⁸ Also, a truck driver could carry the cordless microphone outside the truck cab for a short distance and continue to communicate. We can easily envision the situation where this capability would allow the driver of a truck stopped on a highway to leave the truck cab and yet continue to communicate, warning other drivers of the potential hazard, while operating the CB transceiver from a safe distance away from the stopped truck. Truck drivers often use their CB transceivers to coordinate with individuals at loading docks, where the flexibility of out-of-cab CB operation could improve the efficiency and safety of loading and unloading activities.

We agree with Uniden that Section 95.419(a) was adopted long before the technological developments that make its cordless microphone possible, and not originally intended to prevent the use of short-range cordless CB microphones using secure digital control link technology, like the Uniden product. Section 95.419 today serves primarily to ensure that the responsible operator of a CB station is located within the immediate vicinity of the transmitter⁹ and is able to maintain reliable control over the CB transmitter.

⁶ Uniden Waiver Request at 2.

⁷ *Order on Reconsideration*, DA 03-3541, November 6, 2003.

⁸ Uniden Waiver Request at 7.

⁹ Because operation of CB transmitters is authorized by rule, pursuant to 47 U.S.C. 307(e), there is no FCC license data file that provides the identity or location of the operator of any CB transmitter. An operating CB transmitter itself can usually be located by the FCC using radio direction finding methods. To find or identify the responsible operator of a CB station concerning operation of that station, it is helpful if the operator is located in the immediate vicinity of the CB transmitter, rather than a distant remote control location. Section 95.419(c), applicable to direct mechanical or wired control of CB transmitters, provides some guidance in this regard – that locations on the same premises, craft or vehicle are *not* considered to be *remote* control.

Uniden's cordless CB microphone is proposed to operate with a transmit power of 17 dBm.¹⁰ This low power level limits the usable range of the Uniden cordless microphone to 30 meters (approximately 100 feet).¹¹ Consequently, a CB operator using the Uniden cordless microphone will be located in the immediate vicinity of the CB transmitter.

Furthermore, the DECT technology proposed for use by Uniden incorporates an industry-standard secure method of signal encoding ensuring that the Uniden cordless microphone will allow the operator to maintain reliable control over the CB transmitter. The use of digital codes from a universe of 130,000 possible codes¹² ensures that the Uniden cordless microphone will not accidentally or intentionally control any CB transceiver other than the one with which it is associated. Furthermore, the DECT "listen before transmit" spectrum sharing protocol will ensure that no DECT device operating in the Unlicensed PCS band will block the Uniden microphone, nor *vice versa*. The Uniden cordless microphone is designed to automatically end transmission from the CB transceiver within 3.2 seconds in the event the cordless link were to be interrupted for any reason, so that a continuous transmit situation due to loss of the control link cannot occur.

We find that this case is distinguishable from the 2003 PSPWD decision in the Omnitronics case. First, because the Uniden cordless microphone is designed to be used with Uniden CB transceivers, its proposal, unlike that of Omnitronics, complies with Section 95.607 of the Commission's rules. Uniden would be the grantee of the equipment authorization for *both* the cordless microphone *and* the CB transmitter(s) with which it is intended to be used. Furthermore, the rulemaking process is not circumvented by the Uniden request, because the Commission has already proposed to amend the rules to allow cordless microphones and hands-free headsets to be used with CB radios, in pending WT Docket No. 10-119.¹³ Comments filed in that proceeding thus far generally support such use. Finally, although our action herein may result in similar requests from other CB transceiver manufacturers, we believe that, in view of the relatively small number of CB transceiver manufacturers today, the number of such requests will be limited. We therefore find that the public benefits of allowing the use of the Uniden cordless microphone product outweigh the potential administrative cost of addressing any such similar waiver requests that may be filed.

In summary, we find that a strict application of Section 95.419(a) in the instant case preventing the use (and consequently, manufacture, certification and marketing) of the proposed Uniden cordless microphone would not serve the purposes of the rule. We further find, in view of the foregoing discussion, that grant of the requested waiver is in the public interest.¹⁴

¹⁰ Uniden Waiver Request at 8. Uniden intends to set the transmit power to a level of ½ to ¼ of the DECT limit, in order to provide longer battery life. This transmit power level is about the same as that of a PCS telephone operating in the adjacent licensed PCS bands.

¹¹ See Uniden supplementary letter, which may be viewed from the Commission's internet web page at: <http://apps.fcc.gov/ecfs/document/view?id=7022027628>

¹² Uniden Waiver Request at 5.

¹³ See *Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration (NPRM)*, FCC 10-106, 25 FCC Rcd 7651, 75 Fed. Reg. 43423 and 47142, released June 7, 2010 at ¶ 53.

¹⁴ See 47 C.F.R. § 1.925(b)(3)(i).

Ordering Clause. Accordingly, effective on the date of this letter, Uniden's request for a waiver of Section 95.419(a) to allow use (and thus manufacture, certification, importation and marketing) of the cordless microphone as described in the instant Uniden waiver request is GRANTED conditioned on the outcome of the related rulemaking proceeding discussed above. 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

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