



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

June 20, 2014

DA 14-860

Mark Friedlander
799 East 22nd Ave.
New Smyrna Beach, FL 32169

Re: Petition for rulemaking filed May 29, 2014

Dear Mr. Friedlander:

This is in response to the petition for rulemaking that you filed on May 29, 2014.¹ You request that Section 95.129 of the Commission's Rules, which provides that every station in a General Mobile Radio Service (GMRS) system must use transmitters certificated by the FCC for use in the GMRS,² be amended. Specifically, you propose that a person who holds both a GMRS license and a Part 97 amateur radio operator license above Novice Class be allowed to operate on GMRS channels using a transmitter that has not been certificated for GMRS use, so long as the transmitter complies with the GMRS technical rules. For the reasons set forth below, we dismiss the petition.

In order to encourage innovation and experimentation in the Amateur Radio Service, equipment approval generally is not required for amateur radio equipment.³ You note that the amateur service and GMRS operate on similar frequencies, and you assert that amateur radio operators who are authorized to design, build, and operate transmitters without equipment certification in the 420-450 MHz amateur band should be permitted to do so on the 462/467 MHz GMRS channels.⁴ You assert that the proposed rule change would facilitate interoperability for emergency communications, because many emergency response groups use both services.⁵

Section 95.655(a) of the Commission's Rules states that GMRS transmitters with frequency capability for amateur frequencies will not be certificated.⁶ When it adopted this provision, the

¹ Petition for Rulemaking, Amendment of Part 95 Subpart A of the Commission's Rules to Waive the Requirement for § 95.129 Transmitter Certification When the GMRS Licensee also Holds a Valid Part 97 Amateur Radio License Other than Novice Class (filed May 29, 2014) (Petition).

² 47 C.F.R. § 95.129.

³ See Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies, *Notice of Proposed Rule Making and Order*, ET Docket No. 03-108, 18 FCC Rcd 26859, 28693 ¶ 90 (2003).

⁴ See Petition at 3-4.

⁵ See *id.* at 1-3.

⁶ See 47 C.F.R. § 95.655(a).

Mark Friedlander

Commission noted that GMRS and the amateur radio service are separate services with different purposes, and that the amateur service is unsuitable for GMRS communications,⁷ so it took this action to prevent the possible proliferation of GMRS equipment that is also capable of operating on frequencies for which the GMRS licensee is not authorized.⁸

We conclude that the proposed rule change would undermine the prohibition on GMRS equipment with amateur radio frequency capability. GMRS allows persons to conduct “short-distance two-way communications to facilitate the activities of licensees and their immediate family members.”⁹ In contrast, the Amateur Radio Service is intended to advance communication and technical skills in the radio art, and to promote the development of well-trained amateur radio operators, technicians, and electronics experts.¹⁰ An exception to Section 95.129 would allow for the proliferation of home-built, non-standardized transmitters in the GMRS, with no practicable way for the Commission to monitor and enforce regulatory compliance for these devices. Additionally, uncertificated devices would contribute to operational complications in the GMRS – the present standardization of equipment helps users to share channels and mitigate interference over the limited number of GMRS frequencies. Consequently, we conclude that your petition does not present grounds for the Commission to propose amending the device certification requirement in Section 95.129, and we dismiss the petition.¹¹

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.401(e) of the Commission’s Rules, 47 C.F.R. § 1.401(e), the petition for rulemaking filed by Mark Friedlander on May 29, 2014 IS DISMISSED.

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 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone, Deputy Chief
Mobility Division
Wireless Telecommunications Bureau

⁷ See Amendment of Subparts A and E of Part 95 to Improve the General Mobile Radio Service (GMRS), *Report and Order*, PR Docket No. 87-265, 3 FCC Rcd 6554, 6556 ¶ 17 (1988).

⁸ See *id.* at 6559 ¶ 42.

⁹ See 47 C.F.R. § 95.1.

¹⁰ See 47 C.F.R. § 97.1(a)-(e).

¹¹ See also Miscellaneous Amendments to Part 97 of the Rules Governing the Amateur Radio Services, *Notice of Proposed Rule Making*, PR Docket No. 90-561, 5 FCC Rcd 7658, 7658 ¶ 5 (1990) (rejecting a similar request to amend the rules to eliminate the prohibition on integrating amateur radio equipment with ship or aircraft radio equipment).