



PUBLIC NOTICE

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DA 20-459

Released: April 28, 2020

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY GARMIN INTERNATIONAL, INC., FOR DECLARATORY RULING OR WAIVER FOR COMBINED PART 95/PART 25 DEVICE

WT Docket No. 20-115

Comment Date: May 28, 2020

Reply Date: June 13, 2020

On April 24, 2020, Garmin International, Inc. (Garmin) filed a Request for Declaratory Ruling or, in the Alternative, Waiver of Section 95.2761(c) of the Commission's Rules.¹ Garmin seeks to obtain equipment certification for a hand-held unit that combines a low-power, terrestrial Part 95, subpart J, Multi-Use Radio Service (MURS) transmitter and an emergency satellite communications module in the same device.² Section 95.2761(c) precludes combination transmitting equipment, *i.e.*, end products capable of operating under other licensed or licensed-by-rule radio services. Specifically, "[a] grant of equipment certification will not be issued for MURS transmitters capable of operating under both this subpart (MURS) and under any other subparts of this chapter (except part 15)."³

The proposed product, "a single unit capable of being held in a person's hand," will include two transmitters: a low-power, terrestrial Part 95 MURS transmitter to be used for two-way, short distance data terrestrial communication services and a previously certified Part 25 module that will allow SOS emergency communications via the Iridium satellite system under a blanket license held by Iridium, provided the end user subscribes to the Iridium service.⁴

Garmin argues that the purpose of the original equipment authorization restriction was "to prevent consumer confusion with other terrestrial services that either had different licensing regimes or were for different types of communications[.]" and that it is inapposite in this case.⁵ Garmin further

¹ Request for Declaratory Ruling or, in the Alternative, Waiver of Section 95.2761(c) of the Commission's Rules by Garmin International, Inc. (filed April 22, 2020) ([https://ecfsapi.fcc.gov/file/1042456803042/Amended%20Garmin%20PDR%20or%20Waiver%20\(4-24-20\).pdf](https://ecfsapi.fcc.gov/file/1042456803042/Amended%20Garmin%20PDR%20or%20Waiver%20(4-24-20).pdf)); Amended Request For Declaratory Ruling Or, In The Alternative, Waiver Of Section 95.2761(C) of the FCC's Rules, Waiver – Expedited Action Requested by Garmin International, Inc. (filed April 24, 2020) ([https://ecfsapi.fcc.gov/file/1042456803042/Amended%20Garmin%20PDR%20or%20Waiver%20\(4-24-20\).pdf](https://ecfsapi.fcc.gov/file/1042456803042/Amended%20Garmin%20PDR%20or%20Waiver%20(4-24-20).pdf)) (Amended Waiver Request).

² Amended Waiver Request at 1.

³ 47 CFR § 95.2761(c).

⁴ Amended Waiver Request at 2.

⁵ *Id.* at 3-4.

argues that a waiver would serve the public interest because “the certified Part 25 module in the MURS unit would allow emergency communications to the outside world at the push of a button.”⁶

We seek comment on the waiver request.

Filing Requirements. Interested parties may file comments in response to this *Public Notice* on or before the date indicated on the first page of this document.⁷ Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁸
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt,

⁶ Amended Waiver Request at 5.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121-01 (1998).

⁸ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

⁹ 47 CFR §§ 1.1200 *et seq.*

searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Thomas Reed of the Wireless Telecommunications Bureau, Mobility Division, at Thomas.reed@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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