



PUBLIC NOTICE

Federal Communications Commission
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DA 21-1269

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY MIDLAND RADIO CORPORATION FOR WAIVER OF CERTAIN GENERAL MOBILE RADIO SERVICE RULES

WT Docket No. 21-388

Comments Due: November 12, 2021
Reply Comments Due: November 26, 2021

On July 16, 2021, Midland Radio Corporation (Midland) filed a petition for waiver¹ of the Commission's rules governing the General Mobile Radio Service (GMRS) operations in the 462 MHz band. Specifically, Midland requests that the Commission waive its rules to allow: (1) digital data transmission from non-handheld radios;² (2) the automatic transmission³ of digital data more than once within a thirty-second period;⁴ and (3) the antennas to be a non-integrated part of the GMRS unit.⁵ Midland states that a waiver is necessary to "ensure the protection and safety of life of those that engage in remote, off-road areas, or that travel in areas that have poor CMRS coverage" by enabling continuous communication by voice and the transmission of text messages and GPS location information.⁶ Midland also states that it intends to implement certain protective features, such as only allowing data transmissions when two or more users are active and implementing a "busy channel lockout," to minimize interference with other GMRS users.⁷

¹ Midland Radio Corporation Petition for Waiver, filed by Tony S. Lee to non-docketed ECFS INBOX-1.3 on July 16, 2021, <https://ecfsapi.fcc.gov/file/1071680655068/Midland%20-%20Petition%20for%20Waiver%20of%20Integrated%20Antenna%20Rule.pdf> (Midland Petition).

² The non-handheld radios will be vehicle mounted units. Midland Petition at 4; *see* 47 CFR § 95.1731(d) (allowing the transmission of digital data containing location information from GMRS *hand-held portable* units).

³ Midland Petition at 4-5; *see* 47 CFR § 95.1787(a)(1) ("[d]igital data transmissions must only be initiated by a manual action by the operator"). On August 4, 2021 the Commission amended the GMRS rules to allow automatic and periodic transmission of digital data. *See Review of the Commission's Part 95 Personal Radio Services Rules*, WT Docket No. 10-119, Memorandum Opinion and Order on Reconsideration, FCC 21-90, at 6 (Aug. 3, 2021). After the effective date of the rule changes in the Memorandum Opinion and Order on Reconsideration, no rule waiver would be needed to permit automatic transmissions.

⁴ Midland Petition at 4-5; *see id.* § 95.1787(a)(3) ("[d]igital data transmissions must not be sent more frequently than one digital data transmission within a thirty-second period").

⁵ Midland Petition at 4, 6; *see* § 95.1787(a)(4) ("[t]he antenna must be a non-removable integral part of the GMRS unit").

⁶ Midland Petition at 3-4, 6-7.

⁷ Midland Petition at 7-9.

By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) seeks comment on all aspects of this petition for waiver. In particular, the Bureau seeks comment on whether we should allow Midland's GMRS radios to transmit 50 milliseconds of data approximately once every 5 to 10 seconds even though our rules only allow data to be transmitted up to one second every thirty seconds.⁸ Midland's petition does not discuss the power difference between portable and mobile station classes (5 Watts versus 50 Watts, respectively), so we seek comment on whether mobile stations operating at 50 Watts should be permitted the data capabilities Midland seeks.⁹ Should additional power or antenna restrictions be placed on these devices if the waiver is granted? Finally, we seek comment on Midland's proposed safeguards¹⁰ to protect others from interference and their proposed waiver conditions¹¹ and ask if any additional conditions are necessary to protect GMRS and Family Radio Service (FRS) users.

To develop a complete record on the issues presented by this request, the proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b). Midland filed its petition electronically as a non-docketed proceeding in the Commission's Electronic Comment Filing System.¹² We have opened a new docket, **WT Docket 21-388**, to facilitate consideration of this request and have moved Midland's petition into this docket. Parties should file all comments and reply comments in **WT Docket 21-388**.

Filing Requirements. Parties may file comments, identified by WT Docket No. 21-388, by any of the following methods:

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.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 courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial deliveries (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 45 L Street, NE, 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. 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>.**
- **During the time the Commission's building is closed to the general public and until**

⁸ 47 CFR § 95.1787(a)(3).

⁹ 47 CFR § 95.1767(a).

¹⁰ Midland Petition at 7-9. Essentially, Midland proposes to implement a channel busy detector to avoid interference, a shorter but more frequent duty cycle, to enable the location tracking feature only when a group of users is linked on a smart phone app, and to automatically end location data transmissions after 12 hours or after other circumstances on the app are triggered, whichever comes first.

¹¹ Midland Petition at 9-10.

¹² See Midland Petition.

further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

Accessible Materials. 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 and Governmental Affairs Bureau at (202) 418-0530 (voice).

Additional Information. For further information regarding this Public Notice, please contact Thomas Derenge at Thomas.derenge@fcc.gov or (202) 418-2451.

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