



# PUBLIC NOTICE

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DA 24-36

Released: January 12, 2024

## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY GARMIN INTERNATIONAL, INC., FOR WAIVER OF 47 CFR § 95.1787(a)(3)

WT Docket No. 24-7

Comment Date: February 12, 2024

Reply Date: February 27, 2024

On October 5, 2023, Garmin International, Inc. (Garmin) filed a petition for waiver of the Commission's rules governing the General Mobile Radio Service (GMRS) operations in the 462 MHz band.<sup>1</sup> Specifically, Garmin seeks a waiver of section 95.1787(a)(3) of the Commission's rules to obtain equipment certification for certain hand-held GMRS devices. Section 95.1787(a)(3) limits GMRS digital data transmissions (not to exceed one second in duration)<sup>2</sup> to one transmission every 30 seconds.<sup>3</sup> The proposed product will automatically transmit digital data, such as GPS location data, once every five seconds, for a duration of 50 milliseconds each, provided that the channel being used has not been utilized for voice communications in the previous 30 seconds during non-emergency situations.<sup>4</sup> Garmin also proposes several conditions that would be required upon grant of this waiver request to protect against interference and congestion.<sup>5</sup> Garmin alleges that its request builds on, but is narrower than, the recent waiver granted by the Mobility Division to Midland Radio Corporation.<sup>6</sup>

Garmin asserts that increasing the permitted frequency of GMRS digital data transmissions would

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<sup>1</sup> Request for Waiver of Section 95.1787(a)(3) of the Commission's Rules, Non-Docketed ECFS INBOX-1.3 (Oct. 5, 2023), <https://www.fcc.gov/ecfs/document/1005158792395/1> (Garmin Petition).

<sup>2</sup> See 47 CFR § 95.1787(a)(2).

<sup>3</sup> See 47 CFR § 95.1787(a)(3).

<sup>4</sup> Garmin Petition at 1. The measures detailed above are referred to as Listen-Before-Talk protocols. However, in the event of an emergency, these measures are not employed. *Id.* at 8. Garmin's GMRS devices have methods to determine if an emergency is occurring, such as pressure on the SOS button or "selection of an emergency-related functionality" on the interface of the GMRS device. *Id.* at 8 & n.15. Some examples of emergencies highlighted by Garmin include safety of life situations and search and rescue missions. *Id.* at 8, 10.

<sup>5</sup> *Id.* at 12. Specifically, Garmin proposes that the Commission impose the following conditions on any grant of its waiver request: (1) transmitters must not be capable of modification by end users to adjust the frequencies of operation; (2) restrict operation to 462 MHz interstitial channels; (3) limit digital data transmissions to once every five seconds with each transmission lasting no more than 50 milliseconds in duration; and (4) to eliminate any potential for harmful interference to voice communications, GMRS devices must employ a Listen Before Talk protocol that would suspend data transmissions whenever the device detects that another GMRS user is using the channel for voice communications until the channel has been clear of any voice communications for at least 30 seconds. *Id.*

<sup>6</sup> *Id.* at 2 (citing *Midland Radio Corp. Petition for Waiver of Certain FCC's Rules to Authorize a Radio System to Improve Safety for Off-Road GMRS Users*, Order, DA 23-633 (WTB 2023)).

help individuals in remote locations remain in contact with one another and ensure more accurate tracking of their positions whether for recreational or safety reasons, especially in areas with weak or no cellular reception.<sup>7</sup> Garmin further argues that a waiver would serve the public interest by guaranteeing “that critical communications and location information are automatically available with sufficient time and information to” locate individuals both in emergency and non-emergency situations.<sup>8</sup>

By this *Public Notice*, the Wireless Telecommunications Bureau seeks comment on all aspects of this petition for waiver. 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,<sup>9</sup> subject to the requirements under section 1.1206(b).<sup>10</sup> Garmin filed its petition electronically as a non-docketed proceeding in the Commission’s Electronic Comment Filing System.<sup>11</sup> We have opened a new docket, **WT Docket 24-7**, to facilitate consideration of this request and have moved Garmin’s petition into this docket. Parties should file all comments and reply comments in **WT Docket 24-7**.

*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.<sup>12</sup> Parties may file comments, identified by **WT Docket No. 24-7**, by any of the following methods:

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the Commission’s Electronic Comment Filing System (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 first class, 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.<sup>13</sup>
- 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

*Ex Parte Rules.* As stated above, the proceeding this Notice initiates shall be treated as a “permit-

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<sup>7</sup> Garmin Petition 4–5.

<sup>8</sup> *Id.* at 13.

<sup>9</sup> 47 CFR § 1.1200(a).

<sup>10</sup> 47 CFR § 1.1206(b).

<sup>11</sup> *See* Garmin Petition.

<sup>12</sup> *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121-01 (1998).

<sup>13</sup> *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>.

but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>14</sup> 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, 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](mailto:Thomas.Reed@fcc.gov).

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

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<sup>14</sup> 47 CFR §§ 1.1200 *et seq.*