

Received &amp; Inspected

MAY 29 2014

Before the

FCC Mail Room

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20544

In the Matter of )

)

AMENDMENT OF PART 95 SUBPART A OF THE )

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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 )

)

To The Commission

PETITION FOR RULE MAKING

Mark Friedlander, a licensee in the General Mobile Radio Service (GMRS) and in the Amateur Radio service, pursuant to Section 1.401 of the Commission's Rules (47 C.F.R. § 1.401), hereby respectfully requests that the Commission issue, at an early date, a Notice of Proposed Rule Making looking toward the amendment of Part 95 Subpart A of the Commission's Rules to waive the requirement for Part 95 Subpart A transmitter certification when the GMRS licensee also holds a valid Part 97 Amateur Radio license other than Novice class. The current text and proposed amendment appear in appendix A.

## 1. Introduction and Background:

Radio stations licensed in the General Mobile Radio service are popular with community based emergency response groups. CERT teams, REACT organizations and other public service groups rely on GMRS radios for emergency communications.

Radio stations licensed in the Amateur Service are also popular with emergency response groups. The American Radio Relay League (ARRL) Amateur Radio Emergency Service (ARES), the Salvation Army SATERN group, some CERT groups and others rely on Amateur Radio licensees to provide emergency communications.

Both the GMR service and the Amateur Radio service permit transmission on the UHF 70 cm band. GMRS rules are documented in Part 95 and the Amateur Radio service rules appear in Part 97. An examination of these Parts reveals many similarities.

Part 95 Subpart A (§95.29 Channels available) authorizes GMRS use of only the following 23 frequencies: 462.5500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000, 462.7250, 467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000, 467.7250, 462.5625, 462.5875, 462.6125, 462.6375, 462.6625, 462.6875 and 462.7125 MHz.

These are all Ultra High Frequencies (UHF) in close proximity to the frequencies 420-450 MHz authorized for use by Amateur radio operators above the class of Novice in ITU region 2 (§97.301 Authorized frequency bands.) The number of 70 cm UHF frequencies in Part 97 afforded operators above the class of Novice is far more than the 23 frequencies allowed to licensed GMRS operators.

Part 95 Subpart A also provides power limits for GMRS operators. §95.135 Maximum authorized transmitting power states that "(a) No station may transmit with more than 50 watts output power."

Part 97, in §97.313 Transmitter power standards (f), allows Amateur Radio operators above the class of Novice to operate on the UHF 70 cm band and to transmit with a transmitter power up to 50 W PEP.

Part 95 (§95.129 Station equipment.) states that "every station in a GMRS system must use transmitters the FCC has certificated for use in the GMRS. Write to any FCC Field Office to find out if a particular transmitter has been certificated for the GMRS. All station equipment in a GMRS system must comply with the technical rules in part 95." [63 FR 68975, Dec. 14, 1998]

Part 97 allows Part 97 licensees to operate High Frequency (HF), Very High Frequency (VHF) and Ultra High Frequency (UHF) transmitters without requiring the transmitters to be type accepted or certified. The only certification requirement in Part 97 applies to power amplifiers (See §97.315.)

## 2 Summary:

Past experiences in Emergency Management have demonstrated the need for interoperability. Fortunately, emergency volunteers using the GMR service are sometimes also licensed in the Amateur Radio service. Radio operators licensed in both the Amateur Radio and GMR services can provide critical intercommunication between emergency workers in both license groups.

Present regulations require many such volunteers to carry two different radios at the same time. This increases the financial investment, equipment complexity and the carry weight for these emergency volunteers. It also doubles the amount of battery power required for any particular service period during times when battery conservation can be crucial to uninterrupted emergency operations.

Licensees in the GMR service and the Amateur Radio service are both authorized to transmit with similar power levels on the UHF 70 cm band. However, due to the technical knowledge required for Amateur radio licensing, Amateur radio licenses are trusted and authorized to design, build and operate transmitters in the UHF 70 cm band without the requirement for FCC transmitter certification.

## 3 Conclusion:

If Amateur Radio service licensees above the class of Novice are authorized to design, build and operate a transmitter on the frequencies from 420 to 450 MHz, there is no technical or licensing basis why they should be required to use FCC



certified transmitters when operating with valid GMRS licenses on the 23 GMRS frequencies starting at 462.5500.

In addition, granting this requested waiver would facilitate interoperability by emergency workers.

Respectfully submitted by

A handwritten signature in black ink, appearing to read "Mark Friedlander", written in a cursive style.

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## Appendix A

### Current text:

#### §95.129 Station equipment.

Every station in a GMRS system must use transmitters the FCC has certificated for use in the GMRS. Write to any FCC Field Office to find out if a particular transmitter has been certificated for the GMRS. All station equipment in a GMRS system must comply with the technical rules in part 95.

[63 FR 68975, Dec. 14, 1998]

### Proposed amendment:

#### §95.129 Station equipment.

- a) Except as stated in §95.129 (b), every station in a GMRS system must use transmitters the FCC has certificated for use in the GMRS. Write to any FCC Field Office to find out if a particular transmitter has been certificated for the GMRS. All station equipment in a GMRS system must comply with the technical rules in part 95.
- b) GMRS licensees who also hold a valid Part 97 Amateur Radio license other than a Novice license are exempt from the certification requirement stated in §95.129 provided that the station equipment complies with the technical rules in part 95.