



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON GARMIN INTERNATIONAL, INC., REQUEST FOR WAIVER TO AUTHORIZE GENERAL MOBILE RADIO SERVICE MOBILE UNITS CAPABLE OF TRANSMITTING GLOBAL POSITIONING SYSTEM INFORMATION

Comment Date: September 17, 2003

Reply Comment Date: October 2, 2003

On May 21, 2003, GARMIN International, Inc., (GARMIN) filed a request for waiver¹ of the Commission's Rules² to permit the manufacture, sale, and use of General Mobile Radio Service (GMRS) Rules to allow F2D emissions for the transmission of Global Positioning System (GPS) location information, and user generated text messages, by GARMIN's GPS-enhanced GMRS mobile radios on "simplex" or non-repeater GMRS channels.

GARMIN seeks the authority to manufacture and market inexpensive, handheld GMRS mobile receivers capable of transmitting GPS location information on GMRS frequencies. Garmin proposes that the GPS enhancement to GMRS transmissions would be subject to the following conditions and requirements that (a) transmission of GPS location data is limited to GMRS mobile units that have integrated (non-detachable) antennas; (b) that transmission of GPS location information is limited to 462 MHz GMRS channels, as specified in sections 95.29(a) and (f), that do not involve repeater operations; (c) that transmission of GPS location data be limited to an authorized bandwidth of no more than 12.5 kHz; and (d) that transmission of GPS location data in the GMRS be subject to the same conditions for transmitting location data as in the Family Radio Service (FRS).³ GARMIN argues that allowing GMRS users to transmit their location will afford the public increased safety and peace of mind.⁴ On July 22, 2003, GARMIN filed a petition for rulemaking to amend the Part 95 Rules to permit the manufacture, sale, and use of GMRS rules to allow F2D emissions for the transmission of GPS location information,

¹ Letter dated May 15, 2003 from Larry S. Solomon, Esq., Shook, Hardy & Bacon, LLP, to D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau (Waiver Request).

² Specifically, 47 C.F.R. §§ 95.29(f)(1), 95.119(a)(1), 95.181, 95.183(a)(4), 95.631(a), (f).

³ See 47 C.F.R. 95.193(b)(2). The Commission recently modified its rules to allow the transmission of GPS data and text messaging in the FRS by command of the user in a digital burst lasting one second or less, in a thirty-second duty cycle. See *Garmin International, Inc., Report and Order*, Docket No. 01-339, 18 FCC Rcd 2349 (2003).

⁴ Waiver Request at 2.

and user generated text messages, on GPS-enhanced GMRS mobile radios on “simplex” or non-repeater GMRS channels.⁵

Interested parties may file comments on GARMIN’s Waiver Request on or before September 17, 2003. Parties interested in submitting reply comments must do so on or before October 2, 2003. All comments should reference GARMIN’s Waiver Request, including the DA number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-325, Washington, D.C. 20554. A copy of each filing should be sent to: (1) Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893; (2) Jeannie Benfaida, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 12th Street, S.W., Room 4-C448, Washington, D.C. 20554; and (3) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12th Street, S.W. Room CY-B529, Washington, D.C. 20554.⁶

The full text of the Waiver Request, comments and reply comments will be available for inspection and duplications during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554. Copies may also be purchased from the Commission’s duplicating contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via-e-mail qualexint@aol.com. For further information regarding the public reference file for this Request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for waiver of the Commission’s Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission’s Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules, *See* 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject Waiver Request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission’s Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Jeannie Benfaida, of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-2313, TTY (202) 418-7233, or via e-mail to jeannie.benfaida@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

⁵ Petition for Rulemaking, RM-10762 (filed July 22, 2003). Comments on the rulemaking petition, which are due September 5, 2003, should be filed in the rulemaking proceeding, and not pursuant to this *Public Notice*. *See Public Notice*, Rep. No. 2619 (rel. Aug. 6, 2003).

⁶ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission’s Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

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