

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2014)	MD Docket No. 14-92
)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2013)	MD Docket No. 13-140
)	
Procedures for Assessment and Collection of Regulatory Fees)	MD Docket No. 12-201
)	

**REPLY COMMENTS OF P. RANDALL KNOWLES CONCERNING
THE GENERAL MOBILE RADIO SERVICE (GMRS)**

1. Initially (on July 7th after close of business at the FCC), there appeared to be only seven other Comments submitted in this proceeding in addition to my own. Of those, only the Comments of CTIA – The Wireless Association, contained material affecting Commission action regarding the Regulatory Fee for the General Mobile Radio Service (GMRS).

2. CTIA argues that the only permitted amendment to Regulatory Fees by the Commission must be “in response to changes in law or regulation” “as defined by Section 9”¹ “of the Communications Act of 1934, as amended”.²

3. The actual language from the Act is “as a consequence of Commission rulemaking proceedings or changes in law.”³ And, careful examination of this language, found in Section 159 of Title 47, USC, reveals the following additional language at the beginning of paragraph (b)(3):

“(b) Establishment and adjustment of regulatory fees

...

(3) Permitted amendments

... the Commission **shall**, by regulation, amend the Schedule of Regulatory Fees if the Commission determines that the Schedule requires amendment to comply with the requirements of paragraph (1)(A).” [Emphasis added.]

Paragraph (1)(A), in turn, mandates:

¹ Comments of CTIA – The Wireless Association, Docket 14-92, July 7, 2014, at pp. 3, 7-8

² Comments of CTIA – The Wireless Association, Docket 14-92, July 7, 2014, at p. 1

³ Paragraph (b)(3) of Section 159, Title 47, US Code

“(b) Establishment and adjustment of regulatory fees

(1) In general

The fees assessed under subsection (a) of this section shall—

(A) be derived by determining the full-time equivalent number of employees performing the activities described in subsection (a) of this section within the Private Radio Bureau, Mass Media Bureau, Common Carrier Bureau, and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission’s activities, including such factors as service area coverage, shared use versus exclusive use, **and other factors that the Commission determines are necessary in the public interest;**” [Emphasis added.]

4. Thus the argument of CTIA fails to take into account all of the relevant provisions of 47 USC 159, as amended (the Act).

5. The Comments I filed in this proceeding provide numerous and substantial “other factors” relating to the General Mobile Radio Service that strongly establish that suspension of collection of the Regulatory Fee from individuals applying for a GMRS license is “necessary in the public interest” as mandated by the Act.

6. GMRS users call upon the Commission to immediately determine that the factors relating to the General Mobile Radio Service cited in Comments in this proceeding – as well as the Commission’s own prior findings⁴ – establish that suspension of collection of the Regulatory Fee for GMRS is necessary in the public interest.

7. Moreover, the Commission previously created the Family Radio Service (FRS), which authorized unlicensed⁵ FRS operations not only on channels sandwiched in between existing GMRS channels, but also on a shared basis on existing GMRS channels.⁶ Thus, as a consequence of Commission rulemaking, widespread unlicensed use of GMRS frequencies by FRS users without a GMRS license⁷ has been fostered and relief from the excessively high cost for the American public to seek a GMRS license is in the public interest to address that problem.

8. Therefore, even under the artificially incorrect narrow prescription argued by CTIA, the Commission has ample statutory authority to suspend collection of the Regulatory Fee from people applying for a GMRS license.

⁴ The Commission recognized **six years ago** that the cost of a GMRS license "may be larger than the price of the GMRS device ... In addition, other individual radio devices, such as the Family Radio Service, do not pay such fees. These issues may contribute to the low rate of compliance with our licensing requirements for GMRS. We therefore propose to eliminate the regulatory fees for GMRS devices." See Report and Order and FNPRM, MD 08-65, August 8, 2008 at 57.

⁵ Technically Licensed by Rule

⁶ WT Docket 95-102, effective July 8, 1996, 61 FR 28768-70

⁷ As noted in WT Docket 10-119

9. CTIA also argues that the Federal Communications Commission has failed to “provide (1) substantive information about its FTE calculations”⁸ This point is well taken.

A. Section 159 of Title 47 of the United States Code commences with the following language:

“(a) General authority

(1) Recovery of costs

The Commission, in accordance with this section, shall assess and collect regulatory fees to recover the costs of the following regulatory activities of the Commission: **enforcement activities, policy and rulemaking activities, user information services, and international activities.**”
[Emphasis added.]

B. But, information known to the GMRS community shows that the Commission *averages substantially less than one GMRS enforcement action per year*. I am informed by EB that GMRS is handled by the local field offices on a case by case basis. Thus reference to the Enforcement Bureau’s web page, Regional and Field Offices Activity – Enforcement Actions, is the best gauge of the amount of Commission GMRS “enforcement activities”. Searching back there is *but one single GMRS enforcement case in the last almost two and one-half years*.⁹ And, over a period of more than 13-1/2 years, the Commission has taken GMRS enforcement action in just *seven total cases*.¹⁰ By contrast there are a number of CB enforcement cases in virtually every year while CB operators pay *no* Regulatory Fee to the Commission.

C. A search of the Federal Register reveals that, in the 17 years following adoption of the Universal Licensing System (ULS)¹¹, the Federal Communications Commission has **NEVER** adopted any rule changes, deletions, or additions to SubPart A of Part 95 (GMRS). The sole GMRS “rulemaking activities” conducted by the Commission in this *17 year period* was the NPRM in WT Docket 10-119.¹² With only one exception, in *every* year there are **NO** rulemaking proceedings concerning GMRS. There were no other discernable “policy activities” with respect to General Mobile Radio during this same period.

D. Entry of GMRS data into the ULS license database is paid for by the Application Fee component of the cost of a license at the time of processing. The GMRS user community is aware of no other “user information services” having any relation to this

⁸ Comments of CTIA – The Wireless Association, Dockets 14-92, 13-149, and 12-201, July 7, 2014, at p. 3

⁹ The search included violation of any of the GMRS Rules and any unlicensed operation on a GMRS frequency

¹⁰ In one of these cases the FCC cited the violation of a Family Radio Service (FRS) Rule, but one of the frequencies involved is shared by FRS and GMRS. In another case the Equipment Certification for a GMRS Radio was revoked. Not counted was a case where a GMRS license was revoked, but no violation of any GMRS Rule was involved, nor any unlicensed operation on a GMRS frequency. The underlying basis was operation of a pirate FM broadcast station.

¹¹ NPRM adopted by the FCC in ET Docket 97-94, March 13, 1997, published at 62 FR 24383, May 5, 1997

¹² In WT Docket 01-289, regarding the *Aviation Radio Service*, the Commission made an unrelated, incidental change to §95.655 regarding technical rules for the CB Service and GMRS

radio service whatsoever. Likewise we are not aware of any “international activities” with respect to GMRS during this 17 year period, either.

E. Thus the four GMRS costs to be recovered as set forth in Section 159(a)(1) of the Act are so small as to be best characterized as approaching zero. The information that is discoverable clearly demonstrates that GMRS licensees have, for years, been subsidizing other areas of FCC enforcement, policy and rulemaking activities, user information services and international activities unrelated to the General Mobile Radio Service, in clear and substantial violation of the dictates of 47 USC 159(a)(1) and 47 USC 159(b)(1)(A). As discussed in paragraph 3, above, the FCC is *mandated* by 47 USC 159(b)(3) to correct this gross inequity.

F. Lacking any other “substantive information” from the FCC “about its FTE calculations”, as suggested by CTIA, the GMRS community cannot fathom, nor ascertain *any* basis for charging \$25 per GMRS license application, much less why the Fee has been increased more than three fold from its initial level of \$7 in 1993.¹³

10. CTIA further raises the issue of prior excess fees collected by the Commission.¹⁴ This point is likewise well taken. If the Commission does suspend collection of the Regulatory Fee on GMRS applications, excess fees from prior years should be more than adequate to offset the miniscule fraction of an FTE that the Commission might expend on the General Mobile Radio Service.

11. One additional Comment appearing in the Commission’s ECFS on July 8th also makes arguments similar to CTIA that affect Commission action regarding the Regulatory Fee for the General Mobile Radio Service (GMRS).¹⁵ To the extent that these Comments relate to GMRS, paragraphs 2-9 herein above apply to the circumstances and factors specific to the General Mobile Radio Service and establish ample statutory basis for suspension of collection of the GMRS Regulatory Fee.

12. The GMRS user community renews its call upon the Commission to immediately¹⁶ suspend collection of the Regulatory Fee on applications filed for the General Mobile Radio Service.

Respectfully submitted,

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¹³ 47 U.S. Code Section 159(g) Shared use services (per license unless otherwise noted)

¹⁴ Comments of CTIA at VII

¹⁵ Comments of DIRECT TV, LLC and DISK Network L.L.C., Dockets 14-92, 13-149, and 12-201, July 7, 2014 at pp. 4-5 and 11

¹⁶ Subject to an effective date sufficient to allow the required advance Notice to Congress in 47 USC 159(b)(4)(B)

CERTIFICATE OF SERVICE

I, P. Randall Knowles, hereby certify that, on the 21st day of July, 2014, I served a copy of these *Reply Comments of P. Randall Knowles Concerning the General Mobile Radio Service (GMRS)* upon each of the listed parties below, by First Class Mail, postage prepaid.

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