



Federal Communications Commission
Washington, D.C. 20554

July 31, 2012

DA 12-1226

Mr. Bryan D. Boyle
102 Juliet Road
Morrisville, PA 19067

Mr. H. R. Jim Dixon
34907 Highway 41
Coarsegold, CA 93614

Re: Petition for rulemaking filed February 2, 2012

Dear Messrs. Boyle and Dixon:

This is in response to your petition for rulemaking dated February 2, 2012 requesting that the Commission initiate a rulemaking proceeding to designate a frequency in the 144 MHz (2 Meter) band of the Amateur Radio Service as a nationwide emergency calling frequency.¹ Specifically, you request that the Commission amend the amateur service rules to specify the frequency 146.550 MHz as a “non-exclusive nationwide Amateur Radio Service emergency communications channel using FM wideband modulation.”² You argue that other services, such as the Citizens Band (CB) Radio Service, the Aviation Service and the Maritime Service, have specific frequencies set aside for emergency communications and that use of these channels “to good effect by those in distress, [and that this] is a testament to the need for individual services to have a readily-accessible and publicized” emergency communications channel.³ For the reasons set forth below, we deny the petition.

The amateur service rules authorize an amateur station to transmit two-way messages necessary to meet essential communication needs and to facilitate relief actions.⁴ The rules also authorize an amateur station to transmit one-way messages necessary to providing emergency communications.⁵ These messages be transmitted on any frequency authorized the control operator of the amateur station transmitting the messages.⁶ Additionally, the rules require that, at all times and on all frequencies, each control operator must give priority to stations providing

¹ See Petition to define a nationwide emergency frequency in the table of VHF frequency assignments in the Amateur Radio Service (“Part 97” operations) filed by Bryan Boyle and H. R. Jim Dixon (filed Feb. 2, 2012).

² *Id.* at 10.

³ See *id.* at 2.

⁴ See 47 C.F.R. § 97.111(a)(2).

⁵ See 47 C.F.R. § 97.111(b)(4).

⁶ See 47 C.F.R. § 97.9(a).

emergency communications.⁷ Administration of these rules is accomplished primarily through voluntary frequency planning by, and cooperation among, amateur radio operators.

The Wireless Telecommunications Bureau has previously addressed the question of whether to establish a nationwide common calling or distress channel in a service where transmission of such communications is permitted but not required, these communications may be transmitted on any channel authorized to the user, these communications are given priority over other communications, and the channels are shared by all users. It concluded that it was not necessary to designate a Family Radio Service (FRS) channel for establishing emergency communications because emergency communications have priority on all FRS channels and the record did not demonstrate that FRS users were having any difficulty establishing communications.⁸ It noted that the FRS differed from the CB and Maritime services in that the emergency frequencies are routinely monitored by emergency first-responders in order to provide assistance to persons in distress.⁹

Similarly, we conclude that you have not presented grounds for the Commission to propose revising the amateur service rules. Like the FRS, the amateur service differs from the services in which our rules designate a nationwide emergency calling channel in that it is not routinely monitored by safety entities such as the police or the Coast Guard. Additionally, those services do not require an individual to have an operator license or otherwise demonstrate the ability to operate the station by performing such functions as selecting transmitting channels to avoid interference. Therefore, we believe the administration of these services primarily through operational rules that specify the use of a channel and transmitter technical standards is reasonable.

We also believe that the amateur service rules allow amateur radio operators the flexibility to provide emergency communications in a way that takes into account channel availability and other local conditions, including the nature or the emergency and the location with which communication is desired. For example, the present rules allow amateur radio operators to use multiple channels on the same or different amateur band if needed for an event, or use multiple channels in the same band when multiple but different events occur. We also note that your proposal that the channel be a “non-exclusive nationwide” channel is, substantively, no different from current channel priorities because all amateur service channels are shared and may be used for providing emergency communications. Moreover, if such a “non-exclusive nationwide” channel is needed, nothing in our rules prevents the amateur community from voluntarily agreeing to designate a channel for this purpose. We conclude, therefore, that you have not shown an existing problem that would be addressed by a rule change designating a specific nationwide amateur service emergency calling frequency.

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.401(e) of the Commission’s Rules, 47

⁷ See 47 C.F.R. § 97.101(c).

⁸ See Amendment of Part 95, Subpart B, Family Radio Service Rules Establishment of Channel 1 (462.5625 MHz) as a National Calling Channel, *Order*, 16 FCC Rcd. 21383, 21386 ¶ 8, 21387-88 ¶ 13 (WTB 2001).

⁹ See *id.* at 21387 ¶ 10.

C.F.R. § 1.401(e), the petition for rulemaking filed by Bryan D. Boyle and H. R. Jim Dixon on February 2, 2012 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in blue ink, appearing to read "Scot Stone", is written over the printed name.

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau