

F.C.C. 74-87

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of

WAIVER OF PART 15 OF THE COMMISSION'S RULES
TO RELAX THE TECHNICAL LIMITATIONS IM-
POSED ON THE OPERATION OF A LOW POWER
COMMUNICATION DEVICE IN THE AM BROAD-
CAST BAND

ORDER

(Adopted January 30, 1974; Released February 13, 1974)

BY THE COMMISSION:

1. By a letter received on October 2, 1972, Victor H. Fischer, Pittsburgh, Pennsylvania, representing himself as the spokesman for a group which calls itself Western Pennsylvania Youth Radio, petitions the Commission to waive the technical restrictions imposed by Part 15 on input power and antenna length permitted for a Low Power Communication Device operating in the AM broadcast band without an individual license. The petitioner desires to furnish a noncommercial educational radio service to his community by using equipment which cannot comply with Part 15.

2. Prior to requesting a waiver of Part 15, the petitioner was illegally operating a six-watt transmitter and carrying on the low power broadcast operation described in his petition. Such operation was the subject of a complaint which was investigated by the Commission's Field Operations Bureau and the petitioner was informed that his operation did not comply with Part 15 and that such operation (without an individual license) was in violation of the Communications Act. As a result of this admonition, the petitioner terminated his operation. The petitioner then sought legal status for his operation, and in a letter to the Commission dated September 5, 1972, requested a license to operate a noncommercial educational community service radio station. The Commission's reply, dated September 15, 1972, informed the petitioner that his proposed operation was not eligible for licensing under any of the provisions set out in the Commission's Rules for a broadcast station. Our refusal of the petitioner's request prompted the filing of the subject petition.

3. Part 15 of our Rules permits operation in the AM Broadcast Band of a miniature transmitter, called a Low Power Communication Device, without an individual license provided that the input power to the device does not exceed 100 milliwatts and that the total length of the transmission line plus the antenna does not exceed 10 feet. In addition, our Rules limit the level of emissions on spurious frequencies,

and the amount of RF energy that may be conducted into public utility power lines. These technical specifications are designed to limit communication range for the protection of authorized radio services from harmful interference, and yet are considered to be sufficiently lenient that a reasonable operating range is provided for a Low Power Communication Device. Moreover, regardless of strict adherence to the technical limitations in Part 15, a Low Power Communication Device is permitted to operate on a sufferance basis only, and in the event harmful interference is caused to any licensed radio station, operation must cease promptly. Because of this overriding noninterference condition and the severe technical limitations imposed, Part 15 cannot be used to provide a regular broadcasting service.

4. In essence, the petitioner proposes that the Commission suspend the technical limitations in Part 15 to permit him to carry on a non-licensed operation providing coverage and service that would resemble a regular broadcast operation. Because relaxation of the technical specifications and operating conditions set out in Part 15 would greatly increase interference potential to the regular broadcast service, the Commission has not granted such requests as the petitioner's in the past. The intent of Part 15 is to provide the radio enthusiast with an opportunity to experiment with radio, and to entertain friends or neighbors within a very limited communication range. The Commission never intended that Part 15 be used to establish a low power broadcast facility to service an entire community.

5. In support of his request, the petitioner sets out the technical requirements for his proposed operation, and merely states that interference will not be caused. The petitioner has offered no information or technical data to justify waiver of our rules; moreover, there is no showing how the public interest would be served if the restrictions in Part 15 were suspended to permit the petitioner to carry on his proposed operation.

6. The Commission is not convinced that grant of the petitioner's request is either justified or appropriate. Accordingly, IT IS ORDERED, That the petitioner's request for waiver of Part 15 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS, *Secretary*.