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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

EDITORIAL NOTE: Nomenclature changes to part 95 appear at 63 FR 54077, Oct. 8, 1998.

Subpart A—General Mobile Radio Service (GMRS)

SOURCE: 48 FR 35237, Aug. 3, 1983, unless otherwise noted.

§ 95.1 The General Mobile Radio Service (GMRS).

(a) The *GMRS* is a land mobile radio service available to persons for short-distance two-way communications to facilitate the activities of licensees and their immediate family members. Each licensee manages a system consisting of one or more stations.

(b) The 218–219 MHz Service is a two-way radio service authorized for system licensees to provide communication service to subscribers in a specific service area. The rules for this service are contained in subpart F of this part.

[48 FR 35237, Aug. 3, 1983, as amended at 50 FR 7345, Feb. 22, 1985; 53 FR 47714, Nov. 25, 1988; 57 FR 8275, Mar. 9, 1992; 62 FR 23163, Apr. 29, 1997; 64 FR 59659, Nov. 3, 1999]

§ 95.3 License required.

Before any station transmits on any channel authorized in the GMRS from any *point* (a geographical location) within or over the territorial limits of

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any area where radio services are regulated by the FCC, the responsible party must obtain a *license* (a written authorization from the FCC for a GMRS system).

[53 FR 47714, Nov. 25, 1988]

§ 95.5 Licensee eligibility.

(a) An *individual* (one man or one woman) is eligible to obtain, renew, and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government.

(b) A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or make a major modification to an existing GMRS system license (see § 1.929 of this chapter).

(c) A GMRS system licensed to a non-individual before July 31, 1987, is eligible to renew that license and all subsequent licenses based upon it if:

(1) The non-individual is a partnership and each partner is 18 years of age or older; a corporation; an association; a state, territorial, or local government unit; or a legal entity;

(2) The non-individual is not a foreign government; a representative of a foreign government; or a federal government agency; and

(3) The licensee has not been granted a major modification to its GMRS system.

[64 FR 53241, Oct. 1, 1999]

§ 95.7 Channel sharing.

(a) Channels or channel pairs (one 462 MHz frequency listed in § 95.29(a) of this part and one 467 MHz frequency listed in § 95.29(b) of this part) are available to GMRS systems only on a shared basis and will not be assigned for the exclusive use of any licensee. All station operators and GMRS system licensees must cooperate in the selection and use of channels to reduce interference and to make the most effective use of the facilities.

(b) Licensees of GMRS systems suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the FCC may impose restrictions including specifying the

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transmitter power, antenna height, or area or hours of operation of the stations concerned. Further, the use of any frequency at a given geographical location may be denied when, in the judgment of the FCC, its use in that location is not in the public interest; the use of any channel or channel pair may be restricted as to specified geographical areas, maximum power, or other operating conditions.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47715, Nov. 25, 1988; 63 FR 68974, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

§ 95.21 GMRS system description.

A *GMRS system* is one or more transmitting units used by station operators to communicate messages. A GMRS system is comprised of:

- (a) One or more station operators;
- (b) One mobile station consisting of one or more mobile units (see § 95.23 of this part);
- (c) One or more land stations (optional);
- (d) Paging receivers (optional); and
- (e) Fixed stations (optional).

[63 FR 68974, Dec. 14, 1998]

§ 95.23 Mobile station description.

(a) A *mobile station* is one or more units which transmit while moving or during temporary stops at unspecified points.

(b) A mobile station unit may transmit from any point within or over any areas where radio services are regulated by the FCC *except* where additional considerations apply.

(c) A mobile station unit may transmit from an aircraft or ship, with the captain's permission, which is:

(1) Within or over any area where radio services are regulated by the FCC *except* where additional restrictions apply; and

(2) On or over international waters, if the unit is transmitting from an aircraft or ship of United States registry.

[48 FR 35237, Aug. 3, 1983, as amended at 49 FR 4003, Feb. 1, 1984; 63 FR 68974, Dec. 14, 1998]

§ 95.25 Land station description.

(a) A *land station* is a unit which transmits from a specific address as determined by the licensee.

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(1) An exact point as shown on the license; or

(2) An unspecified point within an *operating area* (an area within a circle centered on a point chosen by the applicant) as shown on the license, for a *temporary period* (one year or less).

(b) The point from which every land station transmits must be within an area where radio services are regulated by the FCC.

(c) [Reserved]

(d) A *small control station* is any control station which:

(1) Has an antenna no more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted (see § 95.51); and

(2) Is: (i) South of Line A or west of Line C; or

(ii) North of Line A or east of Line C, and the station transmits with no more than 5 watts *ERP* (effective radiated power).

(e) A *small base station* is any base station that:

(1) Has an antenna no more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted (see § 95.51); and

(2) Transmits with no more than 5 watts *ERP*.

(f) Each base station and each control station with an antenna height greater than 6.1 meters (20 feet) must be separately identified on Form 605. See §§ 95.25 (d) and (e) and 95.51 of this part.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47715, Nov. 25, 1988; 53 FR 51625, Dec. 22, 1988; 63 FR 68974, Dec. 14, 1998]

§ 95.27 Paging receiver description.

A *paging receiver* is a unit capable of receiving the radio signals from a base station for the bearer to hear a *page* (someone's name or other identifier said in order to find, summon or notify him/her) spoken by the base station operator.

§ 95.29 Channels available.

(a) For a base station, fixed station, mobile station, or repeater station (a GMRS station that simultaneously retransmits the transmission of another GMRS station on a different channel or channels), the licensee of the GMRS system must select the transmitting

channels or channel pairs (see § 95.7(a) of this part) for the stations in the GMRS system from the following 462 MHz channels:

462.5500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000 and 462.7250.

(b) For a mobile station, control station, or fixed station operated in the duplex mode, the following 467 MHz channels may be used only to transmit communications through a repeater station and for remotely controlling a repeater station. The licensee of the GMRS system must select the transmitting channels or channel pairs (see § 95.7(a) of this part) for the stations operated in the duplex mode, from the following 467 MHz channels:

467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000 and 467.7250.

(c)-(e) [Reserved]

(f) Except for a GMRS system licensed to a non-individual, a mobile station or a small base station operating in the simplex mode may transmit on the following 462 MHz interstitial channels:

462.5625, 462.5875, 462.6125, 462.6375, 462.6625, 462.6875 and 462.7125.

These channels may be used only under the following conditions:

(1) Only voice type emissions may be transmitted;

(2) The station does not transmit one-way pages; and

(3) The station transmits with no more than 5 watts *ERP*.

(g) Fixed stations in GMRS systems authorized before March 18, 1968, located 160 kilometers (100 miles) or more from the geographic center of urbanized areas of 200,000 or more population as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 50 that were authorized to transmit on channels other than those listed in this section may continue to transmit on their originally assigned channels provided that they cause no interference to the operation of stations in any of the part 90 private land mobile radio services.

[53 FR 47715, Nov. 25, 1988, as amended at 63 FR 68974, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

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§ 95.33 Cooperative use of radio stations in the GMRS.

(a) *Licensees* (a licensee is the entity to which the license is issued) of radio stations in the GMRS may share the use of their stations with other entities eligible in the GMRS, subject to the following conditions and limitations.

(1) The station to be shared must be individually owned by the licensee, jointly owned by the participants and the licensee, leased individually by the licensee, or leased jointly by the participants and the licensee.

(2) The licensee must maintain access to and control over all stations authorized under its license.

(3) A station may be shared only:

(i) Without charge;

(ii) On a non-profit basis, with contributions to capital and operating expenses including the cost of mobile stations and paging receivers prorated equitably among all participants; or

(iii) On a reciprocal basis, i.e., use of one licensee's stations for the use of another licensee's stations without charge for either capital or operating expenses.

(4) All sharing arrangements must be conducted in accordance with a written agreement to be kept as part of the station records.

(b) [Reserved]

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998]

§ 95.45 Considerations on Department of Defense land and in other circumstances.

(a) The Department of Defense may impose additional restrictions on a station transmitting on its land. (Before placing a station at such a point, a licensee should consult with the commanding officer in charge of the land.)

(b) Additional restrictions may apply when a land station in a GMRS system is located near FCC field offices, near United States borders, in quiet zones, or when it may have a significant impact upon the environment. *See* §§ 1.923 and 1.924 of this chapter.

[63 FR 68975, Dec. 14, 1998]

§ 95.51 Antenna height.

(a) Certain antenna structures used in a GMRS system and that are more

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than 60.96 m (200 ft) in height, or are located near or at a public-use airport must be notified to the FAA and registered with the Commission as required by part 17 of this chapter.

(b) The antenna for a small base station or for a small control station must not be more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted.

[63 FR 68975, Dec. 14, 1998]

§ 95.101 What the license authorizes.

(a) A GMRS license authorizes a GMRS station to transmit messages to other GMRS stations at any geographical location within or over the territorial limits of any area where radio services are regulated by the FCC. These points are listed in Appendix A.

(b) The license does not authorize operation as a common carrier or communication of messages for pay.

(c) If the licensee is a corporation and the license so indicates, it may use its GMRS system to furnish non-profit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary. Such use is not subject to the cooperative use provisions of § 95.33.

(d) For non-individual licensees, the license together with the system specifications for that license as maintained by the Commission represent the non-individual licensees' maximum authorized system.

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998; 64 FR 53242, Oct. 1, 1999]

§ 95.103 Licensee duties.

The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

[63 FR 68975, Dec. 14, 1998]

EDITORIAL NOTE: At 64 FR 53242, Oct. 1, 1999, § 95.103 was amended by revising paragraphs (a) and (b), effective Nov. 30, 1999. However, § 95.103, as revised at 63 FR 68975, Dec. 14, 1998, effective Feb. 12, 1999, does not contain paragraphs (a) and (b), and the revisions could not be made. For the convenience

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of the user, the revised text is set forth as follows:

§ 95.103 Licensee duties.

(a) The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

(b) The licensee may limit the use of repeater to only certain user stations.

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§ 95.105 License term.

A license for a GMRS system is usually issued for a 5-year term.

[63 FR 68975, Dec. 14, 1998]

§ 95.115 Station inspection.

If an authorized FCC representative requests to inspect any station in a GMRS system, the licensee or station operator must make the station available. If an authorized FCC representative requests to inspect the GMRS system records, the licensee must make them available.

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998]

§ 95.117 Where to contact the FCC.

Additional GMRS information may be obtained from any of the following sources:

(a) FCC National Call Center at 1-888-225-5322.

(b) FCC World Wide Web homepage: <http://www.fcc.gov/wtb/prs>.

(c) In writing, to the FCC, Attention: GMRS, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

[63 FR 68975, Dec. 14, 1998]

§ 95.119 Station identification.

(a) Except as provided in paragraph (e), every GMRS station must transmit a station identification:

(1) Following the transmission of communications or a series of communications; and

(2) Every 15 minutes during a long transmission.

(b) The station identification is the call sign assigned to the GMRS station or system.

(c) A unit number may be included after the call sign in the identification.

(d) The station identification must be transmitted in:

(1) Voice in the English language; or
(2) International Morse code telegraphy.

(e) A station need not identify its transmissions if it automatically retransmits communications from another station which are properly identified.

[48 FR 35237, Aug. 3, 1983, as amended at 63 FR 68975, Dec. 14, 1998]

§ 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]

§ 95.135 Maximum authorized transmitting power.

(a) No station may transmit with more than 50 watts output power.

(b) [Reserved]

(c) A small control station at a point north of Line A or east of Line C must transmit with no more than 5 watts ERP.

(d) A fixed station must transmit with no more than 15 watts output power.

(e) A small base station must transmit with no more than 5 watts ERP.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47717, Nov. 25, 1988; 63 FR 68975, Dec. 14, 1998]

§ 95.139 Adding a small base station or a small control station.

(a) Except for a GMRS system licensed to a non-individual, one or more small base stations or a small control station may be added to a GMRS system at any point where radio services are regulated by the FCC.

(b) Non-individual licensees may not add any small base station or small control stations to their GMRS systems.

[53 FR 47717, Nov. 25, 1988, as amended at 63 FR 68976, Dec. 14, 1998]

§ 95.141 Interconnection prohibited.

No station in a GMRS system may be interconnected to the public switched

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telephone network except as and in accordance with the requirements and restrictions applied to a wireline control link (see § 95.127).

[53 FR 47717, Nov. 25, 1988]

§ 95.143 Managing a GMRS system in an emergency.

(a) The stations in a GMRS system must cease transmitting when the station operator of any station on the same channel is communicating an *emergency message* (concerning the immediate protection of property or the safety of someone's life).

(b) If necessary to communicate an emergency message from a station in a GMRS system, the licensee may permit:

(1) Anyone to be the station operator (see § 95.179); and

(2) The station operator to communicate the emergency message to any radio station.

§ 95.171 Station operator duties.

When a GMRS station is transmitting, it must have a station operator. The station operator must be at the control point for that station. The same person may be the operator for more than one station at the same time. The station operator communicates messages and controls the station. The station operator must also cooperate in *sharing* each channel with station operators of other stations.

[63 FR 68976, Dec. 14, 1998]

§ 95.179 Individuals who may be station operators.

(a) An individual GMRS system licensee may permit immediate family members to be station operators in his or her GMRS system. Immediate family members are the:

- (1) Licensee;
- (2) Licensee's spouse;
- (3) Licensee's children, grandchildren, stepchildren;
- (4) Licensee's parents, grandparents, stepparents;
- (5) Licensee's brothers, sisters;
- (6) Licensee's aunts, uncles, nieces, nephews; and
- (7) Licensee's in-laws.

(b) Only the following persons may be permitted to operate under the author-

ity of a GMRS system licensed to a non-individual:

(1) If the GMRS system licensee is:	These persons may be station operators:
(i) A partnership	Licensee's partners and employees.
(ii) A corporation	Licensee's officers, directors, members and employees.
(iii) An association	Licensee's members and employees.
(iv) A governmental unit	Licensee's employees.

(2) These persons may only communicate messages about the licensee's business activities. Employees of the licensee may communicate messages while acting within the scope of their employment, and only about the licensee's business activities.

(c) The licensee may permit a telephone answering service employee to be a station operator if:

(1) That employee only communicates messages received for the licensee to the licensee;

(2) The station equipment at the telephone answering point is not shared in any other GMRS system; and

(3) The station at the telephone answering service point is not interconnected to the public switched telephone network.

(d) The station operator of a GMRS system licensed to an individual may be a station operator in any other GMRS system if he/she has permission from the licensee of the other GMRS system.

(e) The provisions of § 95.33 regarding cooperative use do not apply to or govern the authority of a GMRS licensee to designate station operators in accordance with the provisions of this section.

[48 FR 35237, Aug. 3, 1983, as amended at 53 FR 47717, Nov. 25, 1988; 53 FR 51625, Dec. 22, 1988; 63 FR 68976, Dec. 14, 1998]

§ 95.181 Permissible communications.

(a) A station operator for an individual who is licensed in the GMRS (other than an employee of that individual) may communicate two-way voice messages concerning the licensee's personal or business activities (see § 95.179).

(b) [Reserved]

(c) A station operator for any entity other than an individual licensed in the GMRS may communicate two-way

voice messages concerning the licensee's business activities (see §95.179). An employee for an entity other than an individual licensed in the GMRS may, as a station operator, communicate two-way voice messages while acting within the scope of his/her employment.

(d) A station operator for any GMRS licensee may communicate two-way voice messages concerning:

- (1) Emergencies (see §95.143);
- (2) Rendering assistance to a motorist; and
- (3) Civil defense drills, if the responsible agency requests assistance.

(e) All messages must be in *plain language* (without codes or hidden meanings). They may be in a foreign language, except for call signs (see §95.119).

(f) A station operator may communicate tone messages for purposes of identification or transmitter control in a control link.

(g) A station operator may communicate a selective calling tone or tone operated squelch only in conjunction with a voice communication. If the tone is *subaudible* (300 Hertz or less) it may be communicated during the entire voice message. If the tone is *audible* (more than 300 Hertz) it may be communicated for no more than 15 seconds at a time.

(h) A station operator may communicate a one-way voice page to a paging receiver. A selective calling tone or tone operated squelch may be used in conjunction with a voice page, as prescribed in paragraph (g) of this section. A station operator may not communicate a *tone-only page* (tones communicated in order to find, summon or notify someone).

[48 FR 35237, Aug. 3, 1983, as amended at 49 FR 4003, Feb. 1, 1984; 56 FR 13289, Apr. 1, 1991; 63 FR 68976, Dec. 14, 1998]

§95.183 Prohibited communications.

(a) A station operator must not communicate:

- (1) Messages for hire, whether the remuneration received is direct or indirect;
- (2) Messages in connection with any activity which is against Federal, State, or local law;
- (3) False or deceptive messages;

(4) Coded messages or messages with hidden meanings ("10 codes" are permissible);

(5) Intentional interference;

(6) Music, whistling, sound effects or material to amuse or entertain;

(7) Obscene, profane or indecent words, language or meaning;

(8) Advertisements or offers for the sale of goods or services;

(9) Advertisements for a political candidate or political campaign (messages about the campaign business may be communicated);

(10) International distress signals, such as the word "Mayday" (except when on a ship, aircraft or other vehicle in immediate danger to ask for help);

(11) Programs (live or delayed) intended for radio or television station broadcast;

(12) Messages which are both conveyed by a wireline control link and transmitted by a GMRS station;

(13) Messages (except emergency messages) to any station in the Amateur Radio Service, to any unauthorized station, or to any foreign station;

(14) Continuous or uninterrupted transmissions, except for communications involving the immediate safety of life or property;

(15) Messages for public address systems.

(b) A station operator in a GMRS system licensed to a telephone answering service must not transmit any communications to customers of the telephone answering service.

[63 FR 68976, Dec. 14, 1998]

APPENDIX A TO SUBPART A OF PART 95— LOCATIONS WHERE GMRS IS REGULATED BY THE FCC

In ITU Region 2, the GMRS is regulated by the Commission within the territorial limits of the 50 United States, District of Columbia, Caribbean Insular areas (Commonwealth of Puerto Rico, United States Virgin Islands (50 islets and cays) and Navassa Island), and Johnston Island (Islets East, Johnston, North and Sand) and Midway Island (Islets Eastern and Sand) in the Pacific Insular areas.

In ITU Region 3, the GMRS is regulated by the Commission within the Pacific Insular territorial limits of American Samoa (seven islands), Baker Island, Commonwealth of Northern Mariana Islands, Guam Island,

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Howland Island, Jarvis Island, Kingman Reef, Palmyra Island (more than 50 islets), and Wake Island (Islets Peale, Wake and Wilkes).

[63 FR 68976, Dec. 14, 1998]

Subpart B—Family Radio Service (FRS)

SOURCE: 61 FR 28768, June 6, 1996, unless otherwise noted.

GENERAL PROVISIONS

§ 95.191 (FRS Rule 1) Eligibility and responsibility.

(a) Unless you are a representative of a foreign government, you are authorized by this rule to operate an FCC certified FRS unit in accordance with the rules in this subpart. No license will be issued.

(b) You are responsible for all communications that you make with the FRS unit. You must share each channel with other users. No channel is available for the private or exclusive use of any user.

§ 95.192 (FRS Rule 2) Authorized locations.

(a) Provided that you comply with these rules, you are authorized to operate an FRS unit:

(1) Within or over any area of the world where radio services are regulated by the FCC (this area includes the fifty United States and the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands (50 islets and cays), American Samoa (seven islands), the Commonwealth of Northern Mariana Islands, and Guam Island);

(2) Within or over any other area of the world, except within or over the territorial limits of areas where radio services are regulated by an agency of the United States other than the FCC or any foreign government (you are subject to its rules);

(3) Aboard any vessel or aircraft registered in the United States, with the permission of the captain, that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters;

(4) or; Aboard any unregistered vessel or aircraft owned or operated by a

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United States citizen or company that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters.

(5) You must operate the FRS unit only according to any applicable treaty to which the United States is a party. The FCC will make public notice of any such conditions.

(b)–(c) [Reserved]

(d) Anyone intending to operate an FRS unit on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra in a manner that could pose an interference threat to the Arecibo Observatory shall notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the location of the unit. Operators may wish to consult interference guidelines, which will be provided by Cornell University. Operators who choose to transmit information electronically should e-mail to: prez@naic.edu.

(1) The notification to the Interference Office, Arecibo Observatory shall be made 45 days prior to commencing operation of the unit. The notification shall state the geographical coordinates of the unit.

(2) After receipt of such notifications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections. The operator will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory. If the Commission determines that an operator has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, the unit may be allowed to operate.

[61 FR 28768, June 6, 1996, as amended at 62 FR 55535, Oct. 27, 1997; 63 FR 68976, Dec. 14, 1998]

§ 95.193 (FRS Rule 3) Types of communications.

(a) You may use an FRS unit to conduct two-way voice communications with another person. You may use the FRS unit to transmit one-way communications only to establish communications with another person, send an emergency message, provide traveler