

Federal Communications Commission

DA 90-693

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

In the Matter of

Waiver of Parts 2 and 97
of the Rules Concerning
Frequency Sharing
Requirements Applicable to
the Amateur Service in
Portions of Colorado and
Wyoming.

ORDER

Adopted: May 9, 1990;

Released: May 16, 1990

By the Chief, Private Radio Bureau and Chief Engineer

I. INTRODUCTION

1. This Order waives Part 2 (47 C.F.R. Part 2) and Part 97 (47 C.F.R. Part 97) of the Rules concerning the frequency sharing requirements applicable to transmissions in the 33 centimeter (cm) band by amateur stations located in portions of the states of Colorado and Wyoming.¹ This action was initiated by a request for rule waiver and Special Temporary Authorization (application) filed by Mr. Whit Brown on behalf of the Colorado Council of Amateur Radio Clubs (Council).

II. BACKGROUND

2. On July 18, 1989, the Council requested that amateur stations within the now restricted area of Colorado be authorized to use the 33 cm band. In support of its request, the Council states that grant of its application would help relieve current congestion on other amateur service bands by accommodating numerous requests for repeater channels, would allow linking of stations within Colorado and would allow linking of stations in Colorado with stations in surrounding areas that do not fall under the prohibited use limitation of Section 97.303(g)(1). The Council also argues that a grant would allow the study of propagation characteristics within the uniquely-varying, mountainous terrain of Colorado.² According to the Council, its members have expended considerable time and effort in monitoring the 33 cm band and found no activity in the Denver, Colorado area.³

III. DISCUSSION

3. The issue presented is whether the restriction on 33 cm band transmissions from amateur stations located within the currently restricted portions of Colorado and Wyoming⁴ is still appropriate. The current restriction on amateur station transmissions in this band originates in Footnote US267 to the Table of Frequency Allocations in Section 2.106 of the Commission's Rules.

4. A review of Government licensing records shows that various Government agencies still have fixed services in the 33 cm band that must be protected from interference. We are, therefore, unable to authorize amateur stations the use of this band to the extent requested by the Council.⁵ We are able, however, to allow some use of this band in the restricted area. Discussions with the Government users indicate that amateur stations located in the restricted area can transmit within certain segments of the 33 cm band without causing interference to the Government fixed operations. These segments are 902.0-902.4, 902.6-904.3, 904.7-925.3, 925.7-927.3, and 927.7-928.0 MHz. We find that the Council has demonstrated good cause for a waiver of Section 2.106 Footnote US267 and Section 97.303(g) as to these segments and that waiver will not undermine the Government radio services that the rule seeks to protect.⁶ Accordingly, we are waiving the rules to allow amateur stations in the portion of Colorado and Wyoming covered by Section 2.106 Footnote US267 and Section 97.303(g)(1) to transmit in these segments for an indefinite term. Such operations are still subject to the general restrictions specified in Section 97.303(g)(1).⁷

5. We have decided to resolve this issue at this time through a waiver of the rules rather than by a rule change because Government users in the 902-928 MHz band have indicated that they plan to move point-to-point microwave circuits currently located in this band to new fixed service bands when the new bands become available.⁸ Once all Government fixed users operating in the 902-928 MHz band in the restricted area have changed frequencies, the Commission will consider removing the area restriction on amateur stations entirely.

IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that effective July 2, 1990, Sections 2.106 and 97.303(g)(1) of the Commission's Rules, 47 C.F.R. §§ 2.106 and 97.303(g)(1) ARE WAIVED for an indefinite term to permit amateur stations within the restricted area of Colorado and Wyoming to transmit in the following segments of the 33 cm band: 902.0-902.4, 902.6-904.3, 904.7-925.3, 925.7-927.3, and 927.7-928.0 MHz. Use of the 33 cm band by amateur stations in the portion of Colorado and Wyoming covered by Section 2.106 Footnote US267 and Section 97.303(g)(1) must not cause harmful interference to, and will receive no protection from, any interference due to the operation of, industrial, scientific and medical devices, automatic vehicle monitoring systems or Government stations authorized in this band. Authority for this action is contained in Sections 0.241 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.241 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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