

FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20054

Nov 29

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In Reply Refer To:
7230-C

Mr. Arthur R. Still
6840 Camino de Fray Marcos
Tucson, Arizona 85718

Dear Mr. Still:

This is in response to your request for amendment of the Commission's Rules for the Amateur Radio Service. You believe the laws applicable to interference that electronic equipment in a home receives from radio frequency energy are inadequate. Additionally, you disagree with Congress' decision to give the Commission exclusive jurisdiction over interference to home electronic equipment, systems, and devices.

Section 302(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. 302(a)(2), authorizes the Commission to regulate home electronic equipment and systems by establishing minimum performance standards for such equipment to reduce their susceptibility to interference from radio frequency energy. See 96 Stat. 1087, 1091-1092. The conference Report associated with this section indicates that "the legislation does not mandate Commission exercise of this authority; that decision is well within the technical expertise of the agency." The Report also indicates that the Commission, in exercising this authority, is expected to balance the cost of improving the performance of a device against the overall public benefit to be gained. See H. Rep. No. 765, 97th Congress, 2d Session (1982), at 32-33. Because most users of home electronic equipment do not receive such interference, we do not wish to impose the additional costs associated with reduced susceptibility on all users of such equipment, including millions of users who would not benefit. Likewise, it is not reasonable to place the burden for resolving all interference problems on amateur service licensees. Congress recognized that electronic equipment manufacturers also have a responsibility to design properly their equipment to prevent interference. We believe that the Commission's Rules properly reflect Congressional desires.

The issue of interference to home electronic equipment is being addressed by industry. A committee has been formed under the auspices of the American National Standards Institute to develop, voluntarily, standards to reduce the susceptibility of this equipment to interference. The Commission's long-standing policy, as well as that of the Federal Government in general, is to rely on private industry voluntary standards whenever possible. At our encouragement, the Electronic Industries Association (EIA) developed, in 1984 and 1987, two susceptibility standards for television receivers.

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These standards were developed using American National Standards Institute procedures. Recent figures provided by the EIA indicate that virtually all new color televisions and VCRs voluntarily comply with these standards. Additionally, the number of complaints we receive about interference to home electronic equipment has dropped significantly since 1982.

Earlier this year, the Telecommunications Industry Association adopted a standard for telephone terminal equipment that contains product goals for electromagnetic interference susceptibility. In addition, international standards on interference susceptibility are being developed for a wide variety of electronic products. Although compliance with these standards is voluntary, we expect their development will spur electronic equipment manufacturers to consider potential interference problems when designing their equipment.

Interference to the type of electronic equipment you mention in your letter does not give the Commission a basis to restrict the operation of your neighbor or modify his license. See Sections 15.1, 15.5(b), and 97.121 of the Commission's Rules, 47 C.F.R. §§ 15.1, 15.5(b), and 97.121. Additionally, the Communications Act grants a station licensee certain rights, such as a right to a hearing, before the Commission can modify a station license. See Section 316 of the Communications Act of 1934, as amended, 47 U.S.C. 316.

Based on the above, we conclude that your proposal is not in the public interest and does not warrant consideration by the Commission. Accordingly, pursuant to Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), IT IS ORDERED that your request for rule making IS DENIED.

Sincerely,


Robert H. McNamara
Chief, Special Services Division

cc: JH Michael-