

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)
)
Request changes in Retail Point of Sales of) RM-10641
all over the counter 2-way voice or data)
equipment.)

COMMENTS OF REC NETWORKS

REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates two Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool. REC follows issues that impact an individual's access to radio and other related media as well as issues that impact the Amateur Radio Service.

In the above caption petition, which gives the impression that it is really two petitions, Dale E. Reich ("petitioner") is requesting that all "over the counter" sales of two-way radio equipment that involves a "licensed service" require that the "retail vendor" take personal information regarding the user that would not be available to the public yet will be available to law enforcement agencies. In the "second" petition, the petitioner is requesting that all transmitting radio equipment carry a "tag" with the radio's call sign and ownership information.

After reviewing the petition, REC finds absolutely no merit in the above captioned petition. The petitioner has not expressed a compelling extraordinary reason on why the Commission should expend resources to track and enforce this information. REC feels that such regulation could lead to the requirement of registration for all vendors of radio equipment. This is similar to registration that is required of gun dealers. The last time we checked, a CB radio was not a weapon of mass destruction. REC is puzzled on why the petitioner thinks that CB, Amateur and other two-way radio equipment should be classified in the same way that firearms are.

This petition would have a severely negative impact on retail vendors and private sales

REC is very concerned that this petition will put a severe burden on small retail vendors to have to collect information. Such information will require additional storage and add require additional employees to collect, maintain and retrieve the information therefore significantly

increasing the overhead for every retail point of sale of radio equipment covered under this petition.

This petition would also prevent people from legally selling radio equipment through private party sales, as "registration" of the equipment would be required.

Privacy concerns

REC is concerned that information collected in accordance with this petition can be abused by the retail vendor for purposes of marketing. As many of us know who receive telemarketing calls and "spam" e-mail, even though the vendor may advise that information is not sold or used for marketing purposes, it is.

REC notes a recent decision by Radio Shack to discontinue collecting customer information on every "ticket" (sale) due to customer reluctance to divulge such information amid privacy concerns.

Radio "tagging" is not necessary

The petitioner states that placing a tag inside the battery compartment of every radio covered under various FCC Parts will allow field personnel to verify the validity of a license. REC points out that the Commission has done an excellent job of providing online resources to get license information on virtually any radio service that is regulated by the FCC. If FCC field personnel or other law enforcement agencies need to verify the validity of a license, it can be done without the need for a driver's license-like card attached to the transmitting device.

I also point out that multiple users who may have individual operating licenses share some radio equipment. Such examples include amateur radio equipment that is shared by different family members who have individual licenses or amateur radio equipment operated by an individual in a shared environment such as a amateur radio club, field day or in an emergency communications environment.

The petitioner has even stretched to require that devices permitted under Part 15 would be required to be "tagged" under this petition. This would include every single baby monitor,

garage door opener, toy walkie-talkie, Wi-Fi networking device; very low power broadcast transmitter and cordless phone to be tagged.

Conclusion

The Petitioner has not provided the record with any compelling reason on why such data collection is now required. We will not deny that radio equipment has been involved in the commission of crimes and acts of terrorism but we do not feel that registering radio equipment and putting "license plates" on them will curb the use of radios in crimes and acts of terrorism.

REC feels that this is just another frivolous petition and that Commission resources should be better directed to other initiatives such as the processing of the remaining singleton LPFM applications as well as starting to process the applications filed during the LPFM remedial filing window.

REC feels that this petition should be **denied** and this proceeding **terminated**.

Respectfully submitted,

/S/

Rich Eyre for
REC Networks
P O Box 40816
Mesa AZ 85274-0816
rec@recnet.com
<http://www.recnet.com>