

December 04, 2001

Federal Communication Commission
c/o Mellon Bank
500 Ross Street Room 670
Pittsburgh, PA 15251-5130
Atten: Mellon Client Service Center - Wireless Bureau Applications P.O. Box 358130

SUBJECT: Request for Rule Waiver of 47 CFR 87.173 to allow Type
Acceptance of GARMIN aeronautical VHF Transceiver with 8.33
kHz channel spacing

WAIVER - EXPEDITED ACTION REQUESTED

Reference: FCC Type Acceptance application under ID # IPH-0061100
FCC Order DA 98-275 dated February 11, 1998
FCC Order DA 98-1176 dated October 6, 1998

Gentlemen:

GARMIN International, Inc. (GARMIN) manufactures aeronautical VHF transceivers which are installed in aircraft worldwide. GARMIN is preparing an application for Certification of an aeronautical VHF transceiver (FCC Identification Number IPH-0061100). This transceiver has been designed to comply with the new ICAO requirements to transmit and receive on channels that are spaced at 8.33 kHz intervals. The pilot may adjust the channel spacing to either 8.33 kHz or 25 kHz to comply with the local requirements of the area in which he is operating.

The FCC Equipment Authorization Division has indicated that a waiver of Section 87.173 of the Commission's rules and regulations is necessary to allow Certification of aeronautical VHF transceivers that are capable of 8.33 kHz channel spacing. GARMIN respectfully requests a rule waiver to deviate from the 25 kHz channel spacing requirements in 47 CFR 87.173 to allow FCC Certification of our transmitter which utilizes the frequency range as follows:
118.000 MHz - 136.975 MHz in 25 kHz steps or 118.000 MHz - 136.990 MHz in 8.33 kHz steps.

Precedence for a rule waiver in this circumstance has been established by other radio manufacturers and GARMIN that have requested and received from the Commission a rule waiver regarding 8.33 kHz channel spacing used in VHF aeronautical transceivers.

(reference FCC Order DA 98-275 dated February 11, 1998 and FCC Order DA 98-1176 dated October 6, 1998)

The 8.33 kHz channel spacing standard was recommended by the International Civil Aviation Organization (ICAO) in 1995 to address increasing shortages of air traffic control VHF radio frequencies around the world, particularly in western Europe. At least eight western European states are scheduled to implement the 8.33 kHz channel spacing on October 7, 1999. GARMIN believes that Commission approval of a waiver to allow Certification with 8.33 kHz channel spacing is consistent with U.S. international commitments to ensure air safety by providing for efficient VHF communications during flights between the United States and Europe and is therefore in the public interest.

It is neither efficient, cost effective, nor necessarily safe to require aircraft operating in both U.S. and European airspace to carry two VHF transceivers; one with Commission certification that can utilize only the frequencies listed in 87.173 and another capable of 8.33 kHz channel spacing but without Commission Certification. U.S. industry and the FAA have recognized that U.S. registered aircraft will need to operate in European airspace and that European registered aircraft will need to operate in U.S. airspace. RTCA, Inc. and ARINC have approved U.S. VHF transceiver standards including the 8.33 kHz channel spacing capability based on the ICAO recommendation. The FAA has recognized these recommendations by approving FAA certification and installation of FCC Type Accepted VHF transceivers with 8.33 kHz channel spacing on Type Certificated aircraft.

Time is of the essence. Your early review and approval is appreciated.

Sincerely,

Van Ruggles
Director, Quality Assurance

Enclosure: FCC Form 159 (payment by credit card)
FCC Form 605, as required by 47 CFR 1.1102

cc: Mr. Steven Dayhoff (by email, SDAYHOFF@fcc.gov)