

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC, 20554

In the Matter of: Notice of Proposed Rulemaking WT Docket 16-239, NPRM-11708

Amending Part 97 of the Commission's
Rules and Regulations to Permit Greater Flexibility in Data
Communications

To the commission:

REQUEST FOR STAY OF ACTION ON WT 16-239 OR DISMISSAL, TIMELY FILED 10/5/2016

NEW COMMENTS ON A DIFFERENT ASPECT OF FCC WT 16-239, & NPRM-11708 **EXPOSING
RECENTLY DISCOVERED CONTRADICTIONS AND INCONSISTENCIES IN THE FCC RULEMAKING
DOCKET**

FCC proposes to eliminate the obsolete baud rate limit; I agree that this indirect means of regulating band width is obsolete. I agree that an arbitrary ARRL 2.8 KHz limit would again only be planned obsolescence. It would result in more unnecessary work for the FCC as new modes evolve.

FCC will be allowing general access to the band by significant numbers of licensees in the amateur service to become "unduly impaired" by such new unlimited band width emissions, unless it establishes a separate band segment for new modes.

ARRL STATED IN A PREVIOUS FILING:
<https://ecfsapi.fcc.gov/file/7521063715.pdf>

"It is not desirable to permit by rule an environment in which a few data stations using large swaths of spectrum could operate to the detriment of other modes in the very narrow HF Amateur allocations"

The clear statement in the ARRL petition was a simple request for 2.8 KHz maximum band width, and delete the baud rates as obsolete. FCC has ignored that and instead abolished reasonable band width limits in the MF and HF spectrum.

In contradiction, the FCC in WT 16-239 has continued proportional band width limits of 20 KHz and 100 KHz in the VHF and UHF spectrums. This is a major departure from the FCC's own "generally applicable standards". How is MF & HF, which propagate much farther than VHF & UHF, less important to regulate in some way to "mitigate" "congestion" in a wider area? This is an unacceptable contradiction.

Respect for IARU "generally applicable standards" dictate this is completely wrong also. No other international body allows unrestricted band width on MF & HF. For the US to perpetrate unregulated HF data emissions throughout Region 2 violates its commitment to conform to those standards.

I therefore request a STAY or DISMISSAL of the existing WT 16-239 based on those contradictions. The evidence of this follows in extracts from WT 16-239. Here are the exact statements in FCC WT 16-239 page 7 & 8 that support the above request for stay or dismissal:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-96A1.txt

3. Section 97.307 is amended by reserving paragraph (f) (4) and revising paragraphs (f) (3), (5), and (6) to read as follows:

§ 97.307 Emission standards.

* * * * *

(f) * * *

(3) Only a RTTY or data emission using a specified digital code listed in §97.309(a) of this part may be transmitted.

(4) [Reserved]

(5) A RTTY, data or multiplexed emission using a specified digital code listed in § 97.309(a) of this part may be transmitted. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this part also may be transmitted, **provided the bandwidth does not exceed 20 kHz.**

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(6) A RTTY, data or multiplexed emission using a specified digital code listed in §97.309(a) of this part may be transmitted. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this part also may be transmitted, **provided the bandwidth does not exceed 100 kHz.**

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I have previously filed a constructive detailed band plan to prevent the impaired access to the MF & HF bands, while still implementing the FCC concepts for modernization and "mitigating" its consequences. I request that during the stay, the FCC and ARRL review these filings. They essentially adopt the ARRL's own HF band plan as Part 97 rules. PLEASE SEE:

LATER FILING WHICH INCLUDES SPECIFIC PART 97 REVISIONS FOR BAND SEGMENTS:

<https://ecfsapi.fcc.gov/file/1091422828084/filing%2016239%20changes%20to%20fcc%20part%2097%20B.pdf>

EARLIER FILING WHICH INCLUDES GRAPHICS FROM ARRL'S OWN HF BAND PLAN AND COMPARISONS TO IARU BAND PLANS:

<https://ecfsapi.fcc.gov/file/109011952607702/FCC%20FILING%20docket%2016%20239%20FINAL10%20%20rm11708.pdf>

HERE ARE THE ACTUAL CHANGES IN AVAILABLE WIDE BAND DATA & ACDS OR AUTO RESPONDING STATION ("ROBOT") BAND SEGMENT ALLOCATIONS IN THOSE FILINGS:

WAVELENGTH	CURRENT KHZ	ARRL PROPOSED KHZ	MY FILING KHZ
160	?	?	1 (IARU R2)
80	15	15	55-80 (RM-11759)
40	5	5	25 (7.1-7.125)
30	10	10	10 NO CHANGE
20	17	17	155
17	5	5	9
15	10	10	110
12	5	5	5
10	70	70	70
TOTAL KHZ	137	137	439-464 (IF 3650)
TOTAL %	3.86%	3.86%	12.37%-13.1%

I believe ARRL, FCC and Winlink will find this OK for existing and future use. My plan is the ONLY one considering BOTH "ROBOT" and "HUMAN" stations and bandwidth.

To demonstrate the impracticality of the FCC WT 16-239, let us examine the consequences of no band width limitations on MF & HF. They clearly show that "generally applicable standards" are not in harmony with the existing WT 16-239.

CASE 1: A UHF store and forward data station using legal 100 KHz band width emission operates on the assigned segment of 219-220 MHz. That constitutes a use of 5% of the total band available. Also, it presumably has a line of sight range of roughly 150 miles maximum if well situated. This UHF channel can be shared by many stations throughout the US due to those propagation conditions.

CASE 2: A VHF data station operates on 2 Meters (144-148 MHz) with a legal 20 KHz band width. That constitutes a 5% use of the total band available. A similar line of sight 150 mile range and channel sharing throughout the US exists.

CASE 3: A "ROBOT" station operates on 40 Meters (7.0-7.125) with an unlimited bandwidth which occupies ALL of the available segment. The consequences are not local but world wide. The FCC WT 16-239 allows that. Some idiot will try it, why not? How does FCC intend to address the enforcement issue presented? **A 100 KHz or even a 20 KHz VHF or UHF band width specification will not work on HF. The FCC now does not even limit it at all on HF.** This ignores "generally applicable standards". FCC has not followed its own precedents for efficient spectrum management standards. It has totally ignored the original ARRL request for 2.8 KHz. A 2.8 KHz band width emission would have been about 2.2% of total band width in Case 3. **FCC has not "mitigated" the consequences of that decision by establishing a separate band segment for such activity. Worse yet, it is impossible to share even this 2.8 KHz channel because it is world wide propagation on 40 meters.**

This is an example of doing grievous damage to general access to the band by significant numbers of other licensees in the amateur service which has now become "unduly impaired" by NEW unlimited band width class emissions. **Furthermore, if a 2.8 KHz "ROBOT" permanently occupies an HF channel over a wide geographical area, that means that seven 400 Hz band width signals in the area covered by normal HF propagation are prevented from ever using it again. THIS IS WHY ACDS and the wide band data modes they employ MUST be placed in a separate segment.**

Neither FCC nor ARRL have addressed the substance of the objections of many filers, who are licensees, regarding potential and existing interference issue by presenting data or proof that this will go well. Some filers supporting RM-11708, obviously not amateur operators, assert without evidence that there is no interference, using cut and paste duplicate statements. When WT 16-239 manifests its flaws, it will be expensive indeed to rework it after the fact. If FCC kicks the can down the road, the costs will be more than doing the job properly now.

PLEASE CONSIDER ADOPTING MY HF BAND PLAN AS PREVIOUSLY REFERENCED WHICH SETS ASIDE APPROXIMATELY 100 KHZ SEGMENTS FOR CW/NARROW DATA ON THE MAJOR HF BANDS AND ESTABLISHES NEW WIDE BAND DATA AND ACDS in Part 97 law, not voluntary band plans which have been consistently ignored.

OTHERWISE:

PLEASE MOVE QUICKLY TO STAY OR DISMISS WT 16-239, RM-11708, AND RM-11759 IN THEIR CURRENT FORM TO PREVENT NEEDLESS HARM AND EXPENSE FROM UNWARRANTED HASTE.

Sincerely and respectfully,

/S/

Janis Carson, AB2RA, licensed since 1959, ARRL member 40 years