

## COMMENTS ON FCC PS DOCKET 17-344

**TIMELY FILED ON January 22, 2018**

**BY JANIS CARSON, AB2RA**, licensed since 1959, Extra Class, ARRL member 40 years  
**Responding to FCC PS DOCKET 17-344 query stated as:**

“The purpose of this Public Notice is to seek information to better understand how well such access was provided during these hurricanes in order to assess what lessons may be learned for the future.”

“B. Questions Regarding the FCC’s Response”

“4. How effective were the FCC’s responses with respect to RFIs, RFAs, and requests for STAs and waiver requests? Do the processes for handling these requests need improvement and, if so, how can they best be improved?”

“C. Questions Regarding Communications Service User Experience”

“8. To what extent were response efforts facilitated by amateur radio operators? Going forward, should efforts be made to increase the use of amateur radio services in connection with the planning, testing and provision of emergency response and recovery communications?”

“D. Questions Regarding Communications Service Provider Experience”

“1. To what extent were service providers able to pre-position equipment, supplies, and/or resources close to the affected areas in advance of each hurricane? How did this impact the continued availability of communications services or facilitate recovery?”

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### **AB2RA JANIS CARSON REPLY COMMENTS:**

**A. “To what extent were response efforts facilitated by amateur radio operators? Going forward, should efforts be made to increase the use of amateur radio services in connection with the planning, testing and provision of emergency response and recovery communications?”**

The FCC did excellent work in supporting the use of amateur radio as another means of providing relief. ARRL partnered with Red Cross and Salvation Army in an initiative known as the “force of 50”. A group of amateur operators were deployed to assist in relief efforts and provide information on survivors for continental US families. The FCC issued an STA permitting the use of wider band data known as Pactor 4 for transmission of this data during relief efforts. Perhaps Winlink was not actually used in the end. *However, a more permanent solution must be devised.* To facilitate that end, I have filed a petition for rule making, a “Special Permanent Authorization” for RACES DATA.

**B. Responding to: “D. Questions Regarding Communications Service Provider Experience 1. To what extent were service providers able to pre-position equipment, supplies, and/or resources close to the affected areas in advance of each hurricane? How did this impact the continued availability of communications services or facilitate recovery?”**

The existing amateur radio stations on the island of Puerto Rico were damaged by the hurricane, in particular, antenna structures. While the radio equipment may have survived, the antennas needed to be replaced or repaired. Additionally, specialized data modems manufactured by SCS capable of generating Pactor 4 had to be shipped in along with the “force of 50” operators. This equipment is apparently not widely adopted in the USA, due to its specific application to HF email. VHF links for hospitals were needed more. There are FCC policies which need revision to address the problem of lack of these resources being available in advance of natural disasters like a hurricane.

**C. Responding to: “4. How effective were the FCC’s responses with respect to RFIs, RFAs, and requests for STAs and waiver requests? Do the processes for handling these requests need improvement and, if so, how can they best be improved?”**

**Firstly, there is an open petition for rule making that has not been acted on since its January 12, 2017 filing date.** This rule making would allow more effective use of 60 meter amateur radio band assignments for data transmissions, especially in the hurricane affected regions. It is RM-11785: [https://www.fcc.gov/ecfs/search/filings?q=\(proceedings.name:\(\(rm%5C-11785\\*\)\)%20OR%20proceedings.description:\(\(rm%5C-11785\\*\)\)&sort=date\\_disseminated,DESC](https://www.fcc.gov/ecfs/search/filings?q=(proceedings.name:((rm%5C-11785*))%20OR%20proceedings.description:((rm%5C-11785*))&sort=date_disseminated,DESC)

Most other nations have moved forward with regulations authorized by the IARU on expanding 60 meter allocations for amateur radio. In keeping with FCC Chairman Ajit Pai's commitment to act on constructive legislation within one year of request, I maintain that there is no reason to hold this proceeding back even one week more. The only discussion matter that is relevant is the resolution of ARRL's request for a 100 watt power limit and the standard in other countries of 15 to 30 watts. If the FCC is reluctant to approve the 100 watt level, at least authorize 50 or 30 watts immediately, as I suggested in my reply comments on RM-11785. Later, a 100 watt level could be reconsidered, as was done with raising from the original 50 watt limit when 60 meters was first allowed in the original channelized existing segment of 60 meters. **THEREFORE, PLEASE ENACT RM-11785 AS SOON AS POSSIBLE.**

**Secondly, the FCC's response to ARRL's request for a STA for the Pactor 4 operations on all HF bands (except 60 meters) was excellent. However, a better solution must be devised.** In the interest of moving that process forward, I have filed a *petition for rule making* with the FCC, which has not yet been issued an RM number. My petition is essentially a “special PERMANENT authorization” to replace the STA for Pactor 4 as well as STANAG and other digital modes, including digital voice, and multiple payload emissions in the wide band portion of the amateur band assignments. It would allow a voice transmission on the same channel as the accompanying DATA payload, for flexibility in relief communications. This proposal limits these extra operational freedoms to only RACES amateur operators, as supervised by appropriate governmental agencies. The rule making has not been issued yet, but its confirmation number is 201712072825827859. I include a full copy of it in the Appendix at the end for reference. See also FCC website: <https://www.fcc.gov/ecfs/filing/120762254440>

**Why is this extra rule making petition necessary?** There are already open TWO rule making proceedings, RM-11708, now WT 16-239, as well as RM-11759. *Is this not redundant to those rule makings? Absolutely NOT.* These existing rule makings have been active for 4 years without resolution. The comment process has been extremely contentious, with almost no one advocating for a middle ground or compromise position on multiple complex issues. RM-11759, while possibly addressing the need for more 80 meter DATA spectrum, is overly complex in that it attempts to revisit license restructuring which the FCC successfully implemented years ago, with no current justification for changing prior rulings. So how can we constructively move those stalled proceedings forward?

**D. THEREFORE, PLEASE ACT ON RM-11759 AS SOON AS POSSIBLE. RM-11759 could be implemented in some form immediately, without the licensing restructuring elements. Perhaps a compromise of 3500 to 3635 for CW/DATA instead of 3500 to 3650 Khz. This achieves alignment of the USA ACDS segment with IARU Region 2 and other countries, and provides mitigation of congestion in the CW/DATA segment of 80 meters. It also mitigates impact on Extra Class VOICE privileges from the original ARRL proposal. Delete 97.221(c) to contain wide data to ACDS only.**

**E. The other rule making proceeding, RM-11708**, began its life as an ARRL request for 2.8 Khz wide DATA emissions in the CW/DATA segments of the HF bands. Now it has morphed into an FCC NPRM WT 16-239 which will, if enacted, permit DATA of ANY band width ANYWHERE in the HF CW/DATA segments, while limiting it to 20 Khz and 100 Khz in the VHF and UHF bands. This will have very undesirable impact on the amateur radio service if allowed to go forward as the FCC has written it. The FCC WT 16-239 is contradictory and overly broad in a legal sense. In response to that “unlimited band width DATA” concept, I have filed replies:

**WT 16-239**, a petition to **dismiss or stay**, based on discrepancies in the FCC NPRM:  
<https://ecfsapi.fcc.gov/file/1005214251324/FCC%2016-239%20DISMISSorSTAY1.pdf>

**RM-11708**, reply comments, advocating adoption of ARRL's own band plan as Part 97 rules, but confining ALL “ROBOT” or ACDS stations to a newly defined ACDS only segment. This overcomes ARRL's ineffective proposition of 2.8 Khz anywhere, which they admitted will not work to mitigate interference in their final reply comments. The approach I recommended allows the FCC to implement its “unlimited band width DATA” concept to deregulate it, but limit it by Part 97 rule to ONLY inside those ACDS segments shown in ARRL's own band plan. This is better than a “voluntary band plan”, which is already being ignored with impunity. This would require deletion of current Part 97.221(c) to eliminate existing ambiguities and separate wide or ACDS from narrow emissions. The ARRL Band Plan begins on page 18 Exhibit A in ARRL filing <https://ecfsapi.fcc.gov/file/60001402689.pdf>

**My comment RM-11708**, urging incorporating ARRL's band plan into Part 97 & deletion of 97.221(c):  
<https://ecfsapi.fcc.gov/file/1091422828084/filing%2016239%20changes%20to%20fcc%20part%2097%20B.pdf>

**My comment RM-11759**, supporting the 80 meter band segment realignment and deleting 97.221(c), but opposing the licensing changes: <https://ecfsapi.fcc.gov/file/60001535357.pdf>

**My comment 17-215 on enforcing Part 97 & need for internet CB:**  
<https://ecfsapi.fcc.gov/file/1030162289883/FCC%20OET%2017-215%20INTERNET%20CB.pdf>

**E. THEREFORE PLEASE ACT TO DISMISS OR SEND WT 16-239 BACK FOR REVISION. PLEASE RECONSIDER THE COMPROMISE SOLUTIONS NOTED ABOVE.**

**F. NEED FOR A NEW RULE MAKING WHICH SIMPLIFIES DATA RULES**

**PERMANENTLY FOR RACES: <https://www.fcc.gov/ecfs/filing/120762254440>**

**Besides the potential for interference and congestion, these existing rule makings do not limit the use of the new wide band DATA to legitimate emergency communications.** The petition for rule making that I offered this month as a solution, allows the FCC to authorize the wider band DATA in both the CW/DATA and VOICE/IMAGE bands, but ONLY for RACES stations. Amateur radio has a long history of enthusiastic support for emergency communications. This petition for rule making will not authorize use of these modes or frequencies for any amateur operators other than RACES. Some of the misuse of amateur radio for commercial email is one of the most contentious aspects of the existing rule makings, RM-11759 and RM-11708. These issues will need further discussion for RM-11759 and

RM-11708 or WT 16-239, but this new RACES oriented petition will solve ALL the issues presented, at least for essential emergency communications purposes. What is RACES? They are established by FCC Part 97 Section 407. Their home page <https://www.usraces.org/> states:

“RACES volunteer operators are:

Licensed Radio Amateurs

Certified by a civil defense agency

Able to communicate on Amateur Radio frequencies during drills, exercises and emergencies

Activated by local, county and state jurisdictions and are the only Amateur Radio operators authorized to transmit during declared emergencies when the President of the United States specifically invokes the War Powers Act.”

The petition I have recently submitted for a new rule making uses EXISTING amateur radio resources and EXISTING FCC rules *more effectively* for the public good by authorizing whatever means is necessary for disaster relief by emergency communications. RACES already is associated with the National Incident Management System (NIMS) and FEMA, for proper government supervision of all operations. Moreover, it is possible to activate RACES during times when the President invokes the War Powers Act, without any STA or urgent action on the part of the FCC. *All the resources are already in place, making a timely and effective response more likely.* Government centers of operations could install such new equipment and train the operators if needed, so it is ready for immediate deployment in time of need. This is much better than waiting until *after the event*, and sending them in weeks later, as happened in Puerto Rico. As good as the “Force of 50” operation was, we can do better, by simply planning ahead by issuing the proposed rule making for RACES operation “Special PERMANENT Authorization” and adopting it in Part 97 rules. **THEREFORE PLEASE ACT AT AN EARLY DATE, TO ISSUE A RULE MAKING NUMBER AND PROCEEDING FOR THE RACES “SPECIAL PERMANENT AUTHORIZATION” I HAVE FILED.**

#### **G. CONCLUSIONS URGING TIMELY FCC ACTION, AND SUMMARY:**

- ENACT RM-11785 as IARU and other countries have allowed.
- ENACT RM-11759 Entire HF Band Plan but delete 97.221(c) and reject license restructuring.
- DISMISS EXISTING WT 16-239 and replace it with a “by band segment” approach.
- ISSUE A RULE MAKING NUMBER AND PROCEEDING FOR RACES “SPECIAL PERMANENT AUTHORIZATION” MODIFYING PART 97.407.

Therefore, the foregoing considered, Janis Carson respectfully submits these suggestions in response to FCC PS DOCKET 17-344 and urges action on these items at an early date.

Respectfully submitted,

/S/

Janis Carson, AB2RA, licensed since 1959, Extra class, ARRL member over 40 years

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APPENDIX FOLLOWS: PETITION FOR SPECIAL PERMANENT AUTHORIZATION:

<https://www.fcc.gov/ecfs/filing/120762254440>

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Part 97 of the ) RM- \_\_\_\_\_  
Commission's Amateur Radio Service )  
Rules to Facilitate High-Frequency )  
Data Communications )

To: The Chief, Wireless Telecommunications Bureau  
Via: Office of the Secretary

**PETITION FOR RULEMAKING**

Janis Carson, amateur radio service licensee AB2RA since 1959, and ARRL member for over 40 years, pursuant to Section 1.405 of the Commission's Rules (47 C.F.R. §1.405), hereby respectfully requests that the Commission issue a *Notice of Proposed Rule Making* at an early date, proposing to modify only one section of Part 97 of the Commission's Rules governing the Amateur Radio Service as specified in the CONCLUSION paragraph herein. The rule changes proposed herein would appropriately facilitate Amateur Radio Emergency communications using modern High Frequency (HF) data transmission modes and protocols by making minimal but necessary changes in the RACES rules governing HF Amateur bands. At the same time, the rule changes would not have any impact on the non-RACES current uses, emission types, or band segment allocations in Sections 97.301 of the Commission's Rules, nor would they have any impact on ongoing Rule Making regarding amateur HF DATA emissions or band segment assignments. The changes allowed by this petition would only be open to RACES users, not the general amateur radio service. *The rule changes proposed herein are the simplest and most direct method to implement permanently the steps taken during the recent Puerto Rico relief work, under a STA (Special Temporary Authorization).* These recent Puerto Rico Emergency communications operations earned praise from Chairman Ajit Pai. *It also eliminates the need for the FCC to micro manage digital emission types for RACES purposes.*

**I. INTRODUCTION.**

1. This Petition for Rule Making seeks the modification of the Part 97 rules in the following respects only: This proposal accomplishes modern HF high speed DATA transmissions for Emergency Communications, without impact to ANY existing rules, other than adding a paragraph to §97.407 Radio amateur civil emergency service.
2. The open regulatory proposals stem from ARRL's Petition for Rule Making RM-11708 and RM-11759, and the FCC's own proposal, WT 16-239 (which abolishes all band width limits for DATA emissions on the HF bands). These Rule Making proceedings have been active since 2013 and have not yet been acted on. There have been vitriolic comments opposing implementing the current version of WT 16-239. I have filed a petition to dismiss or stay WT 16-239 as currently written, because it fails to implement the request of ARRL, the original petitioner, and extends beyond the scope of ARRL's petition. In addition, I have pointed out discrepancies in FCC's WT 16-239, which abolishes band width limits on HF while keeping them on VHF and UHF band allocations, with many undesirable consequences.

3. RACES is activated by local, county and state jurisdictions and are the only Amateur Radio operators authorized to transmit during declared emergencies when the President of the United States specifically invokes the War Powers Act. This petition makes available all of these DATA modes immediately, for just such a situation. The FCC could also reconsider issuing special RACES call signs again from the WC# group as before, if it so chooses.

## II. BACKGROUND

The justification for expediting the existing Rule Makings RM-11708 and RM-11759, as well as WT 16-239, is to facilitate the use of faster wide band digital HF communications, including email specifically for Emergency Communications. Much discussion has ensued regarding the casual or commercial business uses, such as purchasing parts for sailing vessels using such amateur email servers. This petitioner is herein requesting a narrowly targeted Rule Making that addresses that Emergency Communications application, and that application alone. The existing contentious Rule Makings are overly broad, and have consequences that have not yet been evaluated objectively, which is why I filed a petition to dismiss or stay WT 16-239. This petition allows separate discussion of all the objections to NON RACES uses to continue as needed without urgency, while permanently solving the problem of needing modern DATA emissions for Emergency Communications.

**III. CONCLUSION:** I request insertion of the following paragraphs and wording into §97.407

**“§97.407(d) (5) All communications transmitted in RACES must be specifically authorized by the civil defense organization for the area served. Only for RACES civil defense communications may the following additional enumerated emission types may be transmitted:**

**Any CW, DATA, VOICE or IMAGE emission enumerated in table §97.305 Authorized emission types, subject to the limitation: §97.307 Emission standards. (a) No amateur station transmission shall occupy more bandwidth than necessary for the information rate and emission type being transmitted, in accordance with good amateur practice.**

**Additionally, DATA emissions known as Pactor 2, 3, and 4, and STANAG, DSTAR, Codec2, or any other digital modulations are specifically authorized for RACES use only, as spelled out in this section for drills or emergency operations as set forth by Part 97.407 rules.**

**Any such DATA emission shall occupy equal to or less band width than a VOICE channel, as explained in: §97.307 Emission standards. (2) No non-phone emission shall exceed the bandwidth of a communications quality phone emission of the same modulation type. The total bandwidth of an independent sideband emission (having B as the first symbol), or a multiplexed image and phone emission, shall not exceed that of a communications quality A3E emission.”**

Therefore, the foregoing considered, Janis Carson respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date, proposing to modify Section 97.407 of the Commission' s rules as specified above.

Respectfully submitted,

/S/

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December 7, 2017