



MICHAEL D. ADAMS

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Re: RM-11831

I would like to offer the following observations and criticisms of the rule proposed in RM-11831:

1. The petitioner calls for restricting radioteletype modes to those that can be decoded using free, open-source software. If the Commission were to adopt this philosophy, wouldn't there be a need, out of equity, to extend such a restriction to all digital modes, including digital phone and image?

This need would, of course, be problematic as currently-available free/open source software for digital phone decoding may be constrained by outstanding patent rights.

2. Is requiring free/open source software the least restrictive way to facilitate self-policing within the amateur radio service? For years, the Commission required American amateurs to identify in Morse code when engaged in teletype/"digital" transmissions. This would seem to be a far simpler manner to identify those who may cause harmful interference.
3. What implications would such a restriction have on the telecommand of model aircraft or stations in the amateur satellite service? The FCC has a history of allowing some protection of such signals in order to guard against abuse of the equipment involved.
4. I wonder if the requirement that decoding software be "free" is excessive. While many individuals who provide software in support of the amateur radio service do so at no cost to potential users, it must be recognized that making such files available is not without cost, potentially discouraging amateurs of limited means from experimenting with the development of such tools. It seems reasonable to at least allow some provision for such software-providers to at least recoup the cost of making such tools available, subject to the general prohibitions of amateurs not receiving remuneration for communicating in the amateur radio service, and of not making use of amateur frequencies in activities in which they have a pecuniary interest.
5. The success of various formal and informal "intruder watch" programs within amateur radio suggest that the ability of amateurs to self-police amateur spectrum is already effective without a free/open source restriction, begging the question of the necessity of such a constraint.

6. This proposed rulemaking, if implemented, would impact only amateur radio operations within the United States and its territories. Other jurisdictions have no such restriction. The international nature of HF propagation will invariably mean that the problem which the petitioner seeks to resolve will continue to exist, and inviting question about whether the experimentation and self-education encouraged within the amateur radio service would be impaired by this extra constraint on international communications.

I am empathetic to the petitioner's concerns, arising no doubt from the growth in popularity in digital modes, constrained by amateur band plans (both formal and those arising from authorizations in Part 97) that have not been updated to reflect such growth.

I am uncertain that the changes proposed would really address the petitioner's concerns, and I suggest that there are less-restrictive means to address those concerns without adversely constraining the amateur radio service in America.

Sincerely,



Michael D. Adams