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April 8 2019

RE: MISREPRESENTATIONS COMMON TO PROPONENTS OF RM-11831

Dear Sirs:

I'm troubled by what seem to be so many misrepresentations of actual FCC regulations by proponents of RM-11831, that might be calculated to increase the number who agree with their requests or demands.

97.119(a) and 97.113(a)4 seem to be repeatedly misrepresented (see quotations of misrepresentations below). The actual regulations state the following:

§97.119 Station identification. (a) **Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions.** No station may transmit unidentified communications or signals, or transmit as the station call sign, any call sign not authorized to the station.  
[Emphasis added.]

97.113(a)4 states

(4) Music using a phone emission except as specifically provided elsewhere in this section; communications intended to facilitate a criminal act; **messages encoded for the purpose of obscuring their meaning, except as otherwise provided herein;** obscene or indecent words or language; or false or deceptive messages, signals or identification. [Emphasis added.]

These two regulations are reasonably clear –

- Identification must be made at required intervals “for the purpose of clearly making the source....known.”
- Messages may not be encoded for the purpose of obscuring their meaning except as otherwise provided...

**Please note very carefully that the words “monitor” or “monitoring” do not appear in any of those regulations.**

97.119 gives various options for the identification required in 97.113(a)4, including (among others) CW, English language, RTTY. As I understand it, amateur radio operators may communicate in any desired language, as long as they identify legally and are not attempting to hide their conversation. There is no requirement that all conversations be conducted in English, for example, yet these commenters' logic could lead to the equally incorrect conclusion that only English be employed.

In spite of these clear regulations, the Petitioner and multiple subsequent Commenters have somehow found a requirement for over-the-air, clearly-readable apparently continuous monitoring of the content of the entire communication by every amateur radio station—in those regulations quoted above! They appear to be exercising not only misrepresentation of federal regulations, but circular logic as well, claiming their goal is already a federal requirement!

Petitioner or Commenter	Quote from their statement ( <b>Emphasis added by me to point out the misrepresentation.</b> )
Petitioner, Ron Kolarik <a href="https://ecfsapi.fcc.gov/file/100918881206/PETITION%20FOR%20RULEMAKING.pdf">https://ecfsapi.fcc.gov/file/100918881206/PETITION%20FOR%20RULEMAKING.pdf</a>	“2. RM-11708 and WT 16-239 fail to address or even acknowledge the vast majority of public concerns regarding:  (i) the ability to identify <b>and monitor</b> the radio transmissions of any data signal using readily available over-the-air interception methods by third parties, <b>as required by Part 97.113(a)(4) and 97.119(a).</b> “
Janis Carson <a href="https://ecfsapi.fcc.gov/file/10330103611071/RM-11831%20FINAL%201.pdf">https://ecfsapi.fcc.gov/file/10330103611071/RM-11831%20FINAL%201.pdf</a>	“RM-11831 ensures the ability to identify <b>and monitor</b> the radio transmissions of any data signal using readily available over-the-air interception methods by third parties, <b>as required by Part 97.113(a)(4) and 97.119(a).</b> ”
McVey <a href="https://ecfsapi.fcc.gov/file/10408467029585/RM-11831_W6EM_Comments.pdf">https://ecfsapi.fcc.gov/file/10408467029585/RM-11831_W6EM_Comments.pdf</a>	“RM-11831, if adopted, will ensure the ability to identify <b>and monitor</b> the radio transmissions of any data signal using readily available over-the-air interception methods by third parties <b>as is required now by Amateur Radio Service regulations. 1</b>  (citing; 1 47CFR §97.113(a)4 and §97.119(a). “
George Huling <a href="https://ecfsapi.fcc.gov/file/104080350117407/K5GH%20comments%20on%20RM-11831.pdf">https://ecfsapi.fcc.gov/file/104080350117407/K5GH%20comments%20on%20RM-11831.pdf</a>	“RM-11831 ensures the ability to identify <b>and monitor</b> the radio transmissions of any data signal using readily available over-the-air interception methods by third parties, <b>as required by Part 97.113(a)(4) and 97.119(a).</b> “

I presume that these persons are honestly sharing their views and would be aghast at having misrepresented these regulations. It should be incumbent on all persons participating in a straightforward, honest discussion of the Amateur Radio Service regulations, to avoid misrepresenting the current regulations, and for persons who have done so to correct their statements and promulgate correct statements to correct misconceptions they have engendered.

As the WINLINK system (likely the largest USA user of PACTOR communications, which this Petition seeks to damage) does provide complete compliance with these regulations, despite their faulty claims, **I would ask the Commission to dismiss RM-11831**. I have separately provided objective evidence that the requests of the Petitioner to eliminate 97.221(c) stations are without merit, as any possible interference is in the thousandths or ten-thousandths of even one percent of the available time-bandwidth. (See <https://ecfsapi.fcc.gov/file/10408063816674/FCCRM11831-2.pdf> ).

Sincerely,

Gordon L. Gibby MD  
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