April 26, 2019

Federal Communications Commission

RE: Opposition to Proposed Rulemaking RM No. 11831

Thank you for the opportunity to comment on RM No. 11831.
The Petition for RM No. 11831 appears to have two distinct purposes - opposition to RM-11708
and WT 16-239 and proposing the following revisions to Part 97:

        1) remove paragraph (c) of 97.221.
        2) modify the wording of 97.309(4)

My opposition is limited to the proposed revisions to Part 97.
Removal paragraph 97.221 (c)
This revision will unduly restrict the essential utilization of Winlink especially in emergency
situations. Specifically, all US Winlink HF gateway stations would be limited to operations in
those narrow sub bans designated in 97.221.

Modification of 97.309(4)
This proposed revision would require: "…freely available open source software, for the purpose
of facilitating communications." Petitioner amplifies the meaning of this proposed revision
"Any necessary software provided by developers must be open source, unencumbered by
patent, licensing fees, royalties or copyright…" This proposed revision would defease the
rightful owners of intellectual property rights and thus, raises serious Constitutional issues that
will undoubtedly question the limits of the FCC's authority.

As a final note, proponents of RM No. 11831 assert without any factual basis that "This new
rulemaking will ensure that young computer enthusiasts will be able to use open source
software and readily available decoding methods to listen in by tinkering and engaging with an
exciting hobby that encourages international goodwill and develops the soft skills and
electronics know-how needed to succeed in science, technology, engineering, and math
(STEM)." The FCC should accord this argument with very little weight absent some compelling
data to support its underlying assumptions.

Respectfully Submitted
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