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Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Part 97 of the)
Commission's Rules to Relax)
Restrictions on the Scope of)
Permissible Communications in)
the Amateur Service)

PR Docket 92-136

To: The Commission

COMMENTS OF THE RADIO AMATEUR SATELLITE CORPORATION

The Radio Amateur Satellite Corporation (AMSAT) submits these comments in response to the Commission's Notice of Proposed Rule Making ("the Notice") released July 2, 1992.

AMSAT is a not-for-profit corporation chartered in the District of Columbia in 1969 to foster amateur radio activities in space. Since its founding, it has constructed, or contributed to the construction of, ten amateur radio satellites which were successfully launched and put into service for use by licensed amateur radio operators throughout the world on a non-commercial basis.

AMSAT has also been active in manned space, having contributed, jointly with the American Radio Relay League (ARRL) to a number of flights involving amateur radio operation aboard the NASA Space Shuttle.

AMSAT supports the Commission's apparent intent in the Notice to relax restrictions on the scope of permissible communications in the amateur service. We also agree almost entirely with the Commission's implementation of this apparent intent.

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However, we believe there are a few additional areas presently contained in Paragraph 97.113 that can and should also be relaxed, but were not dealt with. In addition, we contend that there are a few areas in which the Commission's specific wording should be modified slightly. We do not believe that our proposed additions or changes materially affect the intent of the Docket nor would they jeopardize the non-commercial nature of the Amateur Service.

Subparagraph 97.113(b) of the APPENDIX to the Notice includes the prohibition on "broadcasting" and "program production" contained in Subparagraph 97.113(c) of the current Rules. This appears to prohibit amateur stations from being used in connection with any broadcasts, including those intended solely to promote amateur radio. For example, it would appear to even preclude amateur communications staged in connection with the production of instructional films or videotapes such as "The Wide World of Amateur Radio" and other productions made to chronicle amateur radio activities aboard the Space Shuttle. While such productions are shown primarily at amateur clubs and conventions, they can, and have, also been shown on regular television stations. As such, it cannot be claimed that they are not intended for broadcasting.

In order to enable amateurs to take part in program production when the intent is to inform and educate the public regarding amateur radio, AMSAT proposes the addition of a new Subparagraph 97.113(c)(5) as follows:

"(5) The event or communication is directly related to the promotion of amateur radio and informing the public as to its accomplishments and objectives."

The prohibition with respect to transmitting codes and ciphers, contained in Subparagraph 97.113(d), is contained in Subparagraph (3) of the APPENDIX to the Notice. AMSAT feels that this prohibition is overly restrictive in not permitting amateurs to use not commonly understood language or other designations in order to avoid deliberate interference or harassment. For example, in the case of amateur operation on the Shuttle, a system of channel designations was used. Not all of these have been made public. Should ham astronauts be cited for rule violation if, because of interference, they asked ground stations to "Go to Channel A12"? Obviously, this is a "secret" code and its use is intended to inform certain individuals of an alternate frequency. We submit that such procedures should be allowed and further believe that an opportunity to avoid malicious interference should be afforded all amateurs. In addition, we contend that amateurs should be given the opportunity to provide personal information, such as their addresses or phone numbers, while keeping such information from eavesdroppers who might use it for harassment. Strictly interpreted, the current wording "where the intent is to obscure meaning" even prohibits amateurs from using Morse characters or color codes to convey such personal information. [Emphasis ours.]

To rectify this situation, AMSAT proposes the following paragraph be added to Paragraph (3) of the APPENDIX to the Notice, permitting the use of codes and ciphers as specified in that subparagraph:

"(a) The provision prohibiting the use of codes or ciphers does not include the use of frequency or channel designators for the purpose of directing a station to another frequency or channel allocated within the amateur service or amateur-satellite service. The use of standard codes such as Morse Code characters or electronic

component color codes is permitted to be used to convey information such as street addresses, phone numbers or amateur frequencies or channels."

AMSAT contends that the wording contained in Subparagraph 97.113(e) and contained in Paragraph (3) of the APPENDIX to the Notice, which reads "Such retransmissions must be for the exclusive use of amateur operators" is unduly restrictive and unenforceable. Certainly, many unlicensed listeners tune-in to Shuttle retransmissions, and there is no way or reason to prevent them from doing so. Similarly, many non-hams listen to bulletins and code practice on amateur radio stations such as W1AW. In fact, people are frequently encouraged to listen to the Shuttle retransmissions by the groups engaged in them, both over the air and in other publicity. Clearly, such practice is to the benefit of amateur radio and the public. It can be instrumental in stimulating an interest in science and technology among young people, as well as generally heightening the public's interest in the space program.

AMSAT believes that it would be best to eliminate this sentence altogether. However, if this is not feasible, we propose substituting the following new wording:

"Such retransmissions must be primarily intended for use by licensed radio amateurs."

We also note that the Commission has inserted an additional restriction into Paragraph (e) of the APPENDIX to the Notice, which is not contained in Subparagraph 97.113(e) of the current Rules. In permitting the transmission of propagation and weather forecasts, it is proposing to impose on these and Shuttle retransmissions, the requirement that they not be "regular". Although we understand the potential abuse the Commission is attempting to prevent, including the word "regular" will not correct any problem but

only lead to time consuming and costly enforcement procedures. Furthermore, imposing this restriction on Shuttle retransmissions may result in ending them. One could argue that current Shuttle retransmissions are "regular", as some amateur stations retransmit them continuously, around the clock, for every Shuttle flight.

AMSAT urges that the word "regular" not be applied to Shuttle retransmissions, and we further suggest that some more precise definition be developed to prevent abuse of the new provision, enabling the retransmission of time signals, propagation information and weather data and forecasts, which we support.

AMSAT greatly appreciates the Commission's consideration of these comments.

RESPECTFULLY SUBMITTED,

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