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**ORIGINAL  
FILE**

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Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

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MAIL BRANCH

PR Docket No. 92-136

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.

**RECEIVED**

OCT 31 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RM-7849

RM-7895

RM-7896

Formal Comments submitted by Glenn S. Tenney, AA6ER

**I. DISCUSSION**

1. There is no question that contemporary communication demands and the operational capabilities of licensees in the amateur service dictate that greater flexibility of amateur operations is needed.
2. Amateurs must be afforded greater freedom to use a wide variety of modes of operation in ways that amateurs believe, at that time, are best suited to their purposes. However, there are many ways to restrict commercial operations, some of which do impose an undue hardship on amateurs.

Every year there are forest fires in California. And every year many people work on the fire-line to save lives. When a non-amateur volunteer is risking their life on the fire-line, they sometimes receive some compensation. An amateur serving the public, risking their life on the fire-line next to other volunteers is precluded from receiving any compensation. I can not believe that anyone would think that either the amateur or non-amateur volunteers are participating in a commercial operation, nor are they participating as part of their employment.

I believe that Section 97.113 must be changed to reflect the reality of today's operations so that amateurs are afforded the same courtesies as non-amateurs. Why should an amateur working a standard forty hour work week be compensated by the league, yet a volunteer can not? The answer is clearly that Section 97.113 must allow amateurs to be compensated, without opening up the entire amateur service for regular commercial operations.

3. Restrictions on the content of amateur transmissions must also be relaxed, especially for non-phone operations such as packet radio (data). Many of the

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restrictions currently in Section 97.113 are based on the impact of voice transmissions and/or the unexpected reception of such voice transmissions by non-amateurs.

One example of the differences between phone and data operations would be in the transmission of music. If music is transmitted by phone, anyone can listen to it. However, if that same music were digitized and the data file transmitted, virtually no one would know what that data was. It would not seem any different than any other data file. The same would hold true for other types of transmissions currently being restricted.

With recent changes allowing no-license data transmissions, amateurs will be restricted from transmissions that any other citizen can make without the need for a license. It is clear that amateur data operations be on a parity with every other data transmission.

There is a computer network used around the world called the Internet which includes what some people refer to as a bulletin board system called UseNet. UseNet consists of a few thousand discussion groups on a wide variety of topics including amateur radio (also ranging from discussions of recent movies to users of obscure computer languages). Many amateurs would like to participate in these discussions by gatewaying selected discussions via packet radio. The problem is that some comments might contain mentions of products for sale, or something otherwise prohibited in amateur transmissions. Since these are incidental, it would be of great benefit to amateurs around the country to be able to gateway these discussions without concern to content. Since these are data transmissions only, there is virtually no chance that an unsuspecting citizen would happen onto these discussions.

The content of phone transmissions also needs to be relaxed slightly to allow amateurs to say what the commission allows broadcast television and radio stations.

4. The portion of Section 97.113 prohibiting communications that could be obtained from alternative radio services is woefully outdated. Virtually every form of amateur communication can be obtained on other radio services, including cellular telephone. Amateur communications are, however, invaluable and must not only be maintained, but encouraged. An amateur using a handi-talkie or mobile radio should not be prohibited solely because cellular phone coverage is available in that area (an alternate radio service which could provide similar capabilities).

## II. SUGGESTIONS

5. Noting the reality that occasional incidental music gets transmitted during phone operations, I am suggesting that such incidental music not be prohibited.

6. In an effort to bring amateur communication content restrictions into parity with other radio services, I am suggesting that only obscene communications be prohibited.

7. I am suggesting that the proposed restrictions on commercial use be relaxed even further to allow situations (such as the volunteer fire fighting case mentioned above) where amateur operators receive incidental compensation. Although there is the potential for some abuses, I believe that the overall public good is better served by further relaxing Section 97.113.

8. I am suggesting that the wording relating to communications which could reasonably be furnished alternatively through other radio services be removed.

9. I am suggesting that if my other suggestions are not enacted, that the NPRM's proposed Section 97.113 be modified to remove restrictions for data operations only by having paragraphs (a)(2), and (a)(4) not apply for data operations..

10. As with the NPRM itself, my proposals are not intended to alter in any way the nature and purpose of the amateur service. Rather, they are intended to give amateur operators more flexibility, to enhance their communications capabilities, to make more and better use of data capabilities, and to bring Section 97.113 into parity with what many amateurs are already doing.

### III. SUGGESTED PART 97.113

Note: As much as possible, I have attempted to modify the proposed Section 97.113 as it appeared in the NPRM as little as possible. Wording additions are noted by underlining the new words, and deletions are noted by striking through the old text (~~for example~~). Although I have attempted to use the NPRM's wording, errors may have been inadvertently introduced.

Part 97.113 of Chapter 1 of Title 47 of the Code of Federal Regulations is suggested to read as follows:

97.113 Prohibited transmissions.

(a) No amateur station shall transmit:

(1) Communications for hire or for material compensation, direct or indirect, paid or promised, except as otherwise provided in these rules or except when such activity is not on a regular basis;

~~(2) Communications in which the station licensee or control operator have a pecuniary interest, including communications on behalf of an employer. Amateur operators may, however, notify other amateurs of the availability for sale or trade, of apparatus normally used in an amateur station, provided that such activity is not conducted on a regular basis;~~

~~(3)~~ (23) Music, except incidental background music; Communications intended to facilitate a criminal act; Messages in codes or ciphers intended to obscure the meaning thereof, except as otherwise provided herein; ~~Obscene, indecent, or profane words or language;~~ or false or deceptive messages, signals, or identification;

~~(4) Communications, on a regular basis, which could reasonably be furnished alternatively through other radio services.~~

(b) An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications except as specifically provided in these rules; nor shall an amateur station engage in any activity related to program production or news gathering for broadcasting purposes, except that communications directly related to the immediate safety of human life or the protection of property may be provided by amateur stations to broadcasters for dissemination to the public where no other means of communication is reasonably available before or at the time of the event.

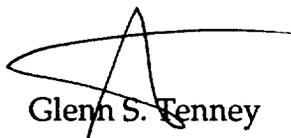
(c) A control operator may accept compensation: as an incident of a teaching position during periods of time when an amateur station is used by that teacher as a part of classroom instruction at an educational institution ; or as an incident of a non-regular volunteer activity as a public service.

(d) A control operator of a club station may accept compensation for the periods of time when the station is transmitting telegraphy practice or information bulletins, provided that the station transmits such telegraphy practice and bulletins for at least 40 hours per week; schedules operations on at least six amateur service MF and HF bands using reasonable measures to maximize coverage; where the schedule of normal operating times and frequencies is published at least 30 days in advance of the actual transmissions; and where the control operator does not accept any direct or indirect compensation for any other service as a control operator.

(e) No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, except propagation and weather forecast information originating from United States Government stations, and communications originating on United States Government frequencies between a space shuttle and its associated Earth stations. Prior approval for such retransmissions must be obtained from the National Aeronautics and Space Administration. Such retransmissions must be for the exclusive use of amateur operators. Propagation, weather forecasts, and shuttle retransmissions may not be conducted on a regular basis, but only occasionally, as an incident of normal amateur radio communications.

(f) No amateur station, except in auxiliary, repeater, ~~or~~ space operation, or in data mode, may automatically retransmit the radio signals of other amateur stations.

Respectfully submitted,

  
Glenn S. Tenney