

W5DNT's Reply Comments to Hans-Peter Helfert's Comments of NPRM 16-239

Dear FCC,

As an Extra Class amateur, licensed 47 years, now W5DNT, and an ARRL Life Member, I am filing these "reply comments" to specifically rebut, for the record, a recent filing by Hans-Peter Helfert, of the "non-US" commercial manufacturer of PACTOR 4 modems, "SCS", as mysteriously posted to the FCC web site on Nov 7, 2018. Mr. Helfert's filing is apparently a five-month-old email exchange between he and FCC's Scott Stone. It is more than curious that it was filed for NPRM 16-239, well after the comment and reply periods had closed.

<https://www.fcc.gov/ecfs/filing/110731917879>

First, let me say Mr. Helfert's use of the term "PACTOR haters" is objectionable and highly inflammatory. Those hundreds of amateurs who have credibly and earnestly commented on 16-239, RM-11708, RM-11759, and RM-11306 are NOT "PACTOR haters", but are simply devout, dedicated hams who love the amateur radio hobby, who care about public safety, who care about the self-policing open nature of the hobby, and who want to honor the FCC rules that mandate amateur radio communications to be open and interceptable, that they not bypass commercial services, that they not create interference, that they not conduct business over ham radio, and that they be such that it is easy to identify the callsign of the transmitter. All of this is called out in FCC Part 97.1, 97.3, 97.309, 97.113, 97.119, 97.123, where the appearance of the word " PACTOR " in Part 97 rules was referring PACTOR 1, the original open source, documented PACTOR mode, with standard forward error correction coding.

In my amateur radio experience of 47 years, unlike PACTOR 1, it is simply neither feasible nor even possible for a 3rd party to decode PACTOR 2, 3, or 4 ARQ traffic. While the SCS filing makes claims of ability to "monitor", decoding of ARQ signals is quite another matter.

Perhaps it is time for the FCC to obtain via standard means, the commercial equipment SCS touts, to verify the outrageous claims made by SCS that 3rd party decoding of ARQ messages is possible. It most certainly is not possible for those Official Observers tasked with self-policing of the amateur service! Even if it were possible, with the requirement of high cost commercial products, this cost would represent an enormous barrier to having a functional Official Observer program, thus rendering it essentially useless. The bottom line is this, PACTOR is most certainly not an open source code, it is a commercial "unspecified code", designed specifically to obscure information.

Unlike all other digital modes such as FT-8, RTTY, CW, and other valid digital modes on amateur radio, WINLINK and its modulations such as VARA, PACTOR 2, 3, 4, ARDOP, and WINMOR cannot, I repeat, cannot be intercepted by 3rd Parties. This type of messaging is expressly obscured, and is and should be deemed a violation of Part 97.

Furthermore, it's ridiculous for anyone to interpret Part 97 as suggesting that "merely keeping a log of traffic" is sufficient to fulfill the 3rd party intercept and unobscured messaging requirements of Part 97.

This interpretation is ridiculous and quite dangerous to our national security, and completely violates the tenants of amateur radio for open experimentation, self-policing, and purely personal, non-business communication with good will. I hereby expressly comment, on the record, that ALL traffic must be able to be intercepted and decoded, as it happens, by any 3rd party, over the air waves. This is vital for real time self-policing of our hobby by other amateurs as well as for FCC monitoring and law enforcement. Presently, PACTOR 2, 3, 4 cannot comply and cannot be interpreted in real time by a 3rd party when in ARQ mode, and this must be prohibited immediately for our country's national security and our hobby's future.

Furthermore, it is incumbent upon the FCC to review and act upon a Petition for Rulemaking, proposed by Mr. Ron Kolarik, which properly addresses ACDS activities and would resolve much of the problems created by PACTOR 2, 3 and 4. His Petition may be found at the link below.

<https://ecfsapi.fcc.gov/file/100918881206/PETITION%20FOR%20RULEMAKING.pdf>

FCC is urged to act on this Petition as soon as possible.

Sincerely,

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