

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

**Amendment of Part 97 of the
Commission's Amateur Radio Service
Rules to Facilitate High-Frequency
Data Communications**

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RM- _____

**To: The Chief, Wireless Telecommunications Bureau
Via: Office of the Secretary**

**PETITION TO DISMISS WT 16-239 AS WRITTEN DUE TO INTERNAL
CONTRADICTIONS AND CONFLICT WITH IARU AGREEMENT**

Janis Carson, amateur radio service licensee AB2RA since 1959, and ARRL member for over 40 years, pursuant to Section 1.405 of the Commission's Rules (47 C.F.R. §1.405), hereby respectfully requests that the Commission dismiss or revise a *Notice of Proposed Rule Making, WT 16-239*, at an early date, proposing to modify Part 97 of the Commission's Rules governing the Amateur Radio Service as specified in the following discussion. This is filed as a separate unique petition, since it appears to have been ignored as a part of a previously filed comment in RM-11708, RM-11759, 17-344, and WT 16-239. Action on this NPRM appears eminent, so this petition is urgent.

FCC WT 16-239, & NPRM-11708 EXPOSING CONTRADICTIONS AND INCONSISTENCIES IN
THE EXISTING FCC NPRM DOCKET 16-96

https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-96A1.txt

FCC proposes to eliminate the obsolete baud rate limit; I agree that this indirect means of regulating band width is obsolete. I also agree that an arbitrary ARRL 2.8 Khz limit would again only be planned obsolescence. It would result in more unnecessary work for the FCC as new modes evolve. The FCC's planned unlimited band width emissions on HF DATA pose important legal dilemmas.

ARRL STATED IN A PREVIOUS FILING:

<https://ecfsapi.fcc.gov/file/7521063715.pdf>

“It is not desirable to permit by rule an environment in which a few data stations using large swaths of spectrum could operate to the detriment of other modes in the very narrow HF Amateur allocations”

In the 16-239 NPRM's internal contradictions, the FCC in WT 16-239 has continued proportional band width limits of 20 KHz and 100 KHz in the VHF and UHF spectrums while allowing unlimited band width on HF spectrums. This is a major departure from the FCC's own “generally applicable standards”. How is MF & HF, which propagate much farther than VHF & UHF, less important to regulate in some way to “mitigate” “congestion” in a wider area? This is an unacceptable contradiction.

Respect for IARU “generally applicable standards” dictate this is completely wrong also. No other international body allows unrestricted band width on MF & HF. For the US to perpetrate unregulated HF data emissions throughout Region 2 violates its

commitment to conform to those standards and agreements.

I therefore request DISMISSAL or revision of the existing WT 16-239 NPRM based on those contradictions. The evidence of this follows in extracts from WT 16-239 NPRM contained in the APPENDIX below.

The FCC will be allowing general access to the band by significant numbers of licensees in the amateur service to become “unduly impaired” by such new unlimited band width emissions, unless it uses a “separate band segment” currently known as ACDS for new wide band or unlimited band width modes. The size of those band segments are a fair topic for debate. This is the approach also allowed in the instructions in 16-96 that would respect all users of the HF spectrum and mitigate congestion in a practical way, rather than the one the FCC seems poised to adopt with unlimited band width everywhere in the DATA segments of HF bands.

I recommend you consider this revision or DISMISS WT 16-239, RM-11708, RM-11759 and direct the ARRL to come up with a better comprehensive petition and proposal that includes proposed sizes for ACDS segments for a new proposal that will work rather than this patchwork of ill devised initiatives.

Sincerely and respectfully,

/S/

Janis Carson, AB2RA, licensed since 1959, ARRL member 40 years

APPENDIX

Here are the exact statements in FCC WT 16-239 page 7 & 8 that support the above request for stay or dismissal:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-96A1.txt

3. Section 97.307 is amended by reserving paragraph (f)(4) and revising paragraphs (f)(3), (5), and (6) to read as follows:

§ 97.307 Emission standards.

* * * * *

(f) * * *

(3) Only a RTTY or data emission using a specified digital code listed in §97.309(a) of this part may be transmitted.

(4) [Reserved]

(5) A RTTY, data or multiplexed emission using a specified digital code listed in §97.309(a) of this part may be transmitted. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this part also may be transmitted, provided the bandwidth does not exceed 20 kHz.

(Applies to VHF spectrum)

(6) A RTTY, data or multiplexed emission using a specified digital code listed in §97.309(a) of this part may be transmitted. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this part also may be transmitted, provided the bandwidth does not exceed 100 kHz.

(Applies to UHF spectrum)

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