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Federal Communications Commission
Office of the Secretary

December 21, 1991

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FCC MAIL BRANCH

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N. W., Room 222
Washington, DC 20554

RE: PETITION FOR RULE MAKING RM-7869

Dear Ms. Searcy:

Please find enclosed one original and five copies of my comments on the above captioned matter. Sufficient copies are enclosed to insure each Commissioner receives a copy.

Respectfully subnitted,

Mark A. Nodine
1625 S. Siesta Avenue
West Covina, CA 91790-5620

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Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FCC MAIL BRANCH

In the Matter of:	)	
Amendment of Part 97 of the	)	
Commission's Rules Governing	)	
Amateur Radio Services	)	RM-7869
Regarding Repeater and	)	
Auxiliary Operation in the	)	
1.25 Meter Band	)	

To: The Commission

PETITION FOR RULE MAKING

I, Mark A. Nodine, KJ6MS, hereby respectfully submit my request to the Federal Communications Commission to **reject** a Petition For Rule Making, RM-7869, submitted by the American Radio Relay League, Incorporated (referred to as the A. R. R. L. and the League.)

My interest in this matter is affirmed by holding an Amateur Radio license, Advanced class. I also am a member of the A. R. R. L. and the 220 Spectrum Management Association of Southern California (220 SMA.)

There are quantitative, engineering & historical reasons why RM-7869 is not in the public interest.

First is the issue of numbers. I have seen the benefits of the Commission's "Novice Enhancement" upon ham radio. My involvement is a direct result. Metropolitan areas have seen tremendous growth of Novice licenses. The majority of them use commercial-made, low-cost FM hand-held and 25-watt mobile radios. The result is the growth of repeaters in Southern California, including linked systems spanning much of the Southwest. While

they do not have access to the subband proposed, they may later, if the Commission grants a seperate League petition giving full access of 222-225 MHz to all license classes. The only possible benefit to them is an apparent increase in simplex FM frequencies (with the possible detriment of band quality to weak signal enthusiasts.)

Another numbers question is who are the weak-signal hobbists? I know they exist, their exploits are chronicled in the A. R. R. L. organ, "QST". But, how many of them are there? Where do they live? How often do they use their modes and expensive, high-powered equipment? Important questions as a Commission grant of spectrum includes the factor of use. The League may have produced supportive exhibits in RM-7869 but these (including the petition) have not been shared with members or other readers of QST.

I will link the use issue in a moment but what about engineering in 222-225 MHz? I am not a repeater owner or trustee, but I remember the concerns expressed as August 27, 1991 approached. That day marked the enforcement of Docket 87-14. It turned out things for the most part remained unchanged, largely due to the June 1, 1991 meeting of the 220 SMA. At that meeting, we members adopted a bandplan that reflects the usage and users of Southern California. The bandplan is in harmony with criteria stated in Minute 22 of the Second Board of Directors Meeting, July 19-20, of the A. R. R. L. (pg. 58, Sept. 1991 QST.)

While the Southern California EME bandwidth is small, the 220 SMA did not exclude it. Other options were discussed including 15 kHz spacing. The point here is that several ideas were expressed. The hams of Southern California understand the need to effectively engineer the spectrum we

have for the benefit of all. RM-7869 arbitrarily takes the volunteer incentive away from local coordinators and rejects the fact 222 MHz usage is evolving differently in various parts of the country. Perhaps a little more space can be eked out for weak signal use, but the repeater owners need to finish the task of fitting CTCSS and relocation. Next can be experiments with other possible options.

I've heard it said that people who don't remember history are doomed to repeat it. That spectacle may be in the offing with RM-7869. The main reason land-mobile interests were given 220-222 MHz was not just the promise of technology or need but the apparent **lack of use** by the amateur community.

That's the link! The A. R. R. L.'s own Repeater Directory was used as a compelling exhibit proving the hams were actually using 222 MHz and above. I remember the pleadings (I was a petitioner) and there was no way of getting away from the axiom "use 'em or lose 'em!"

No one should assume the fact we have an exclusive allocation to 222-225 MHz means it is a "protected" allocation. Television broadcasting had 470-890 MHz free and clear for years. But spectrum demands required TV to share channels 14-20 with land-mobile radio (the so-called UHF-T band.) To make way for more land-mobile, pagers and the explosive growth in trunked systems and Cellular Mobile Telephone, TV lost channels 70-83. More spectrum was planned were it not for the F. C. C.'s freeze in hopes of developing a HDTV broadcast standard.

The nationwide maintenance of quiet spectrum of any quantity is a serious public interest issue that needs to be thoughtfully, not arbitrarily resolved.

The League stated in its September, 1991 QST editorial that RM-7869 represents a modest 5% of 222-225 MHz. The League omitted the fact that of our bands 50 MHz and above, 222 MHz is the **smallest**, with only **three MHz** available.

222 MHz is becoming the most active VHF band in Southern California. One significant service is the seismic repeater system, W6FXN/R, on 223.66 MHz (222.06 input.) This repeater has proved its worth providing health and welfare traffic after the October 1, 1987 Whittier Narrows earthquake and others our area seems to have. The other Southern California repeaters have also played an important role. I challenge the League to prove its "International EME Competition" is as important.

222 MHz users nationwide are using the spectrum in accordance with plans democratically voted upon by coordinating bodies recognized by the F. C. C. Southern California is no different. It's just we should not be penalized for using spectrum more effectively than others. Everyone has their own course and as long as it is not contrary to F. C. C. rules they should be encouraged to follow it. Southern California's may not be ideal, but we can research ways to allow efficient and fair spectrum use.

RM-7869 is an unnecessary and burdensome cost upon the Commission. Volunteer regulation and compliance is an Amateur Radio Service hallmark and is the **best** way to resolve problems in this, our **smallest VHF band.**

Let's **encourage** growth on 1.25 meters. Please do not take action on RM-7869.

Thank you.

December 21, 1991,
Respectfully submitted,

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