

3 **Unintended consequences of the proposed language.**

I am disturbed that, as proposed, the wording of the rule changes has extensive unintended consequences that are injurious to the Amateur Radio Service, including repeater and packet network operations, in particular.

4 **Purpose not accomplished.**

I notice that the proposed language does not accomplish the Commission's stated purpose, to reduce the impact upon packet communications and clarify which stations are responsible for the content of messages. The purpose is not accomplished when the responsibility is placed on stations that are unable to comply.

5 **Extensive language not required.**

Although it is enticing to add new language, as is proposed in this docket, the additional language is not required to accomplish the purpose of the docket.

6 **The Commission's purpose achieved simply.**

The Commission's intent clarifying responsibility for violative communications, may be achieved more directly and without the unintended results discussed hereinbelow by substituting the following rules in place of the proposed rules in the NPRM:

7 **Proposed 97.109(f).**

The control operator of a station that inadvertently retransmits violative phone or image emission communications is not accountable for violative communications.

8 **Proposed 97.109(g).**

The control operator of the station originating an RTTY or Digital message and the control operator of the first station which receives and stores the message, prior to retransmission of that message, are accountable for violative communications that are retransmitted.

9 **Language extent.**

I recognize the suggested language of 97.109(f) extends somewhat beyond that proposed by the Commission in that it could be applicable to a home station when, for example, a broadcast receiver can be heard in the background. I feel however that the simplification of wording is justified and within the spirit of current Commission enforcement policy. The limitation to inadvertent retransmission insures the ability to pursue enforcement for repeated or willful transmissions.

10 Some of the concerns that I have with the proposed language are:

11 Proposed definition of (97.3(a)(28)), is imprecise.

15 (3) **"angle-modulated" prohibits common practice and future development.**

This term unreasonably restricts repeaters to a single emission type. In practice, angle-modulation, vestigial sideband AM, ACSSB and other emission types are all commonly used for repeaters. Fast scan image repeaters are exclusively Amplitude Modulated, VSB or SSB transmissions. Further, the future use of advanced emission types is discouraged.

16 **Proposed definition of 97.3(a)(36), is imprecise.**

In attempting to define repeaters, based on technology and emission criteria, the proposed language is imprecise and restrictive. For example, were an operator of an HF station to hold his microphone near the speaker of a 2 meter FM receiver to manually retransmit a signal, the operator would have created an unlawful repeater as he is instantly retransmitting the FM signal of another station in restricted HF spectrum. Further if a station were assembled which automatically retransmits on 14.265 MHz the signals received on 14.340 MHz, the station would not be a repeater if the received signals were not angle modulated, or if the signals were delayed slightly so as to not be an instantaneous retransmission. Such an automatic retransmitting station would be within the proposed rules, provided that a control operator were available.

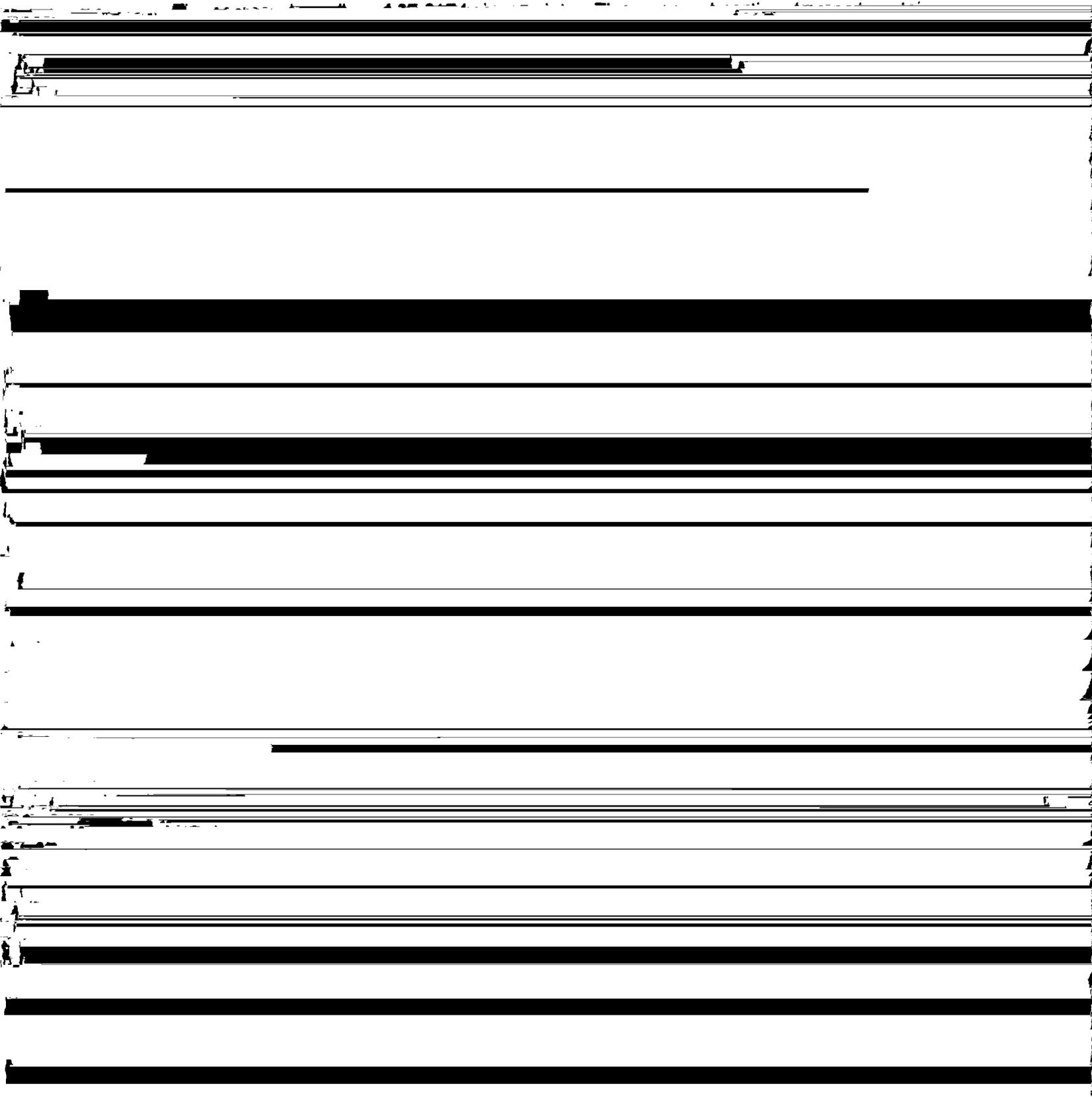
17 **Proposed definition of 97.109(c), home base pocket stations**

[REDACTED]

19 **The proposed 97.217 is unnecessary and directed inappropriately.**

The proposed section 97.217 is not necessary to establish responsibility for the content of RTTY and digital messages. The wording proposed in 97.217 is directed at cooperative systems of stations. These stations would be undefined in the proposed rules.

20 **The proposed 97.217 is incomplete.**



25 **Segments of the Amateur Radio Service excluded from the process.**

I am concerned about lack of involvement of segments of the Amateur Radio Service

impacted by concepts of this Docket. The venue of this docket, as reported in the docket