REPLY COMMENTS OF NEW YORK UNIVERSITY FOR ITS PETITION FOR DECLARATORY RULING

These Reply Comments are filed on behalf of New York University pursuant to the recent pleading cycle established by the Commission. This reply addresses specific comments by: (a) American Radio Relay League (ARRL); (b) Amateur Radio Safety Foundation, Inc (ARSFI, whose small band of programmers serve as the custodian of the closed, private Winlink global email system used in the amateur radio spectrum); (c) Radio Relay International (RRI); (d) the many brief filings instigated by RRI and ARSFI propaganda campaigns that did not accurately portray the intent or impact of the NYU petition for declaratory ruling, and (e) the reply comment by SCS, the maker of Pactor, which claim their modes are sufficiently documented based on their own interpretation of FCC language that currently renders openness and transparency as “toothless” requirements.

We note that most of the recent brief filings in WT Docket No. 16-239 regarding the NYU Petition appear to have been instigated by RRI and ARSFI. Most of these comments do not appear to originate from licensed amateur radio operators (no US amateur call signs were given in most of the cut-and-paste-style filings).

---


2 See http://radio-relay.org/bulletin-take-action-fcc-action-pending/
filings). Furthermore, most of these cut-and-paste style comments were not timely filed as reply comments to the NYU’s Petition ("PDR"). The overall record suggests the ongoing advocacy of private messaging by non-licensed individuals who are improperly using the amateur radio spectrum without others being able to intercept messages for meaning -- this being one of the many examples of rules violations highlighted in the PDR, in FCC Enforcement Bureau Ticket No. 3184322, and in many other filings.

In direct contrast to the statements of RRI and ARSFI, the Commission will observe that the NYU PDR does not attempt to halt, harm, or disable operation of Winlink or other ACDS data networks in any way. NYU’s PDR simply requests that Section 97.113(a)4 be clarified to ensure that transparency and openness are assured for all data modes and networks in the amateur radio service, present and future. The PDR merely clarifies the ambiguous, toothless language that currently allows anyone to claim any beneficial feature other than "intent" in order to legally obscure the meaning of transmissions or to operate a private network in the amateur radio service. Specifically, NYU’s PDR states unequivocally that nothing would be disabling or harmful, and that a simple solution is available to comply with the NYU PDR language:

“An entity relying on communications modes that effectively encrypt messages could easily switch out the code that implements dynamic compression techniques for code that implements static compression, and this switch can easily be made through a software update. Therefore, entities using communications modes that effectively encrypt messages could push a simple software update to their users; provide and widely demonstrate a public, static compression method that may be used by the broad Amateur Radio Service community to decode messages for meaning over-the-air; and comply with Section 97.113(a)(4)’s openness requirement.

NYU reiterates that these simple steps are all that is needed to ensure all amateur data may comply with the PDR in its ex parte filing dated Dec. 2, 2019, again making clear that nothing would hamper or disable the operations of Winlink or other data modes:

So many technical experts in the record have explained, time and again to both the ARRL and FCC that Winlink uses decades-old technology that could easily be made to conform to the basic tenets of amateur radio – through the use of unobscured transmissions that can be readily monitored by others over the air – by simply abolishing its use of a dynamic compression table and issuing a software update and the use of a published static compression scheme. Simple clarification of 97.113(a)4 would not hamper further digital communication progress in amateur radio nor would it decrease capabilities in amateur radio in any way.
Rather, adoption of the NYU petition for declaratory ruling and adoption of RM-11831 would comply with the six key points mandated by vote for Item 31 in the July 2019 ARRL Board of Directors meeting, would comply with the basic tenets of the hobby, and would fix the “toothless” language and “no intent to obscure – wink wink” loophole that prevents self-policing that some at ARRL and ARSFI/Winlink continue to seek, despite long-standing and well documented opposition over the past two decades.

Despite these clear statements of the intent of the PDR, and confirmation of these facts by numerous technical experts in the record who have also provided expert opinions in favor of the PDR (including the statements of many past IEEE Communication Society Presidents, former CTO’s, many large corporations, a high ranking rear admiral, and many Ph.D. and MS level technical experts, including the Nov. 18, 2019 report filed by Nelson Sollenberger, an IEEE Fellow and world-class digital modem designer who clearly showed that Winlink data is “nearly impossible” to detect for meaning over the air and could be easily cured), the RRI and ARSFI have continued to ignore these credible statements, and instead have resorted to tactics that incite rancor, spread emotional fire, and fuel anger among those who presently improperly carry out a private, effectively encrypted email system in the amateur radio service. For example, RRI on Dec. 6, 2019 posted the following notice and distributed this message widely by email and website postings:

5 December 2019

TAKE ACTION NOW!
New York University Petition for FCC Declaratory Ruling

As many of you know, New York University has, for some time now, attempted to shut down the Winlink system, largely through the instrumentation of its “NYU Wireless” advocacy organization, which normally represents large commercial telecommunications common carriers.

The above notice was widely disseminated throughout the world, and contained text which has been parroted by numerous non-amateurs in response to the NYU PDR:

“Enter your comment in support of the Radio Relay International and Amateur Radio Safety Foundation responses to the NYU Petition. A typical comment might be as simple as:

“After reviewing the claims contained within the New York University Petition for Declaratory Ruling, it is my opinion that their case lacks merit. I agree with the responses filed by the Amateur Radio Safety Foundation and Radio Relay International and therefore recommend that the NYU Petition for Declaratory Ruling be dismissed with prejudice.”

The Commission will note that several dozens of filings in these dockets were cut-and-paste versions of the RRI/ARSFI messaging shown above, and most filers failed to provide amateur radio call signs, and some even spoofed NYU’s or Theodore Rappaport’s name in their filing.

Yet, while RRI and ARSFI resorted to the wide-scale publicity tactics shown above, RRI claimed in its Dec. 2, 2019 comments that NYU has “lack of standing” and “conflict of interest” before the Commission in this proceeding. Such statements by RRI are directly contradicted by the fact that New York University’s Tandon School of Engineering is a leading institution of higher education for the creation of America’s engineers, and has a sincere and intense interest in improving America’s engineering competitiveness and cultivation of students who pursue STEM degrees. This interest has been well documented in the proceedings and in the popular press, as NYU’s Tandon School of Engineering has had the most rapid ascension in the US News and World Report Engineering ranking over the past eight years than any other engineering school in America, has played an expert and leading role in the creation of 5G and wireless technologies, has helped the Commission on its Spectrum Pioneers, Spectrum Horizons, and Experimental License initiatives, and has faculty members who serve on the FCC Technological Advisory Committee. Further, NYU has a highly regarded legacy in the amateur radio world, with its famous W2DSC and W2NYU radio call signs, and the rebirth of the NYU amateur radio station that is planned in the coming year at its new downtown Brooklyn location at 370 Jay Street. NYU has one of the largest percentages of women engineering students in the nation, and invests heavily in the cultivation of STEM programs at the high school level, as well, and is bent on the successful matriculation of engineering students.
The Commission is familiar with and clearly recognizes the expertise and credibility of New York University’s engineering program, as well as its NYU WIRELESS research center, and may wish to carefully question such statements by RRI, ARSFI, and ARRL who appear to be grasping at any or all arguments to maintain the status quo of “toothless” rule language that plagues the amateur radio service by eroding the bedrock principles of openness and transparency, which has led to proven, vast rule violations that cannot be enforced. Well documented problems in the PDR that involve violations of Part 97 rules, including obscured data transmissions (with advertised features of privacy and security), bypass of other commercial radio services, unlicensed operators, illegal third party transmissions, improper pecuniary interests, vulgar language, and cultural problems that will cause youth to turn away from a rancorous hobby, will only become worse as technology continues to evolve. Hence, adoption of the NYU PDR must be the Commission’s primary imperative before any other rule makings for amateur radio can be implemented.

The Commission should also discount RRI and ARSFI arguments that NYU or industrial commenters do not have standing or are somehow conflicted from having an interest in amateur radio, particular in light of the fact that a fundamental principle of the amateur service is given in Section 97.1(d): “Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.” As Marcus Spectrum Solutions explains in its Dec. 2, 2019 filing, echoed by a vast number of other commenters over the past several years, and past few weeks, Section 97.113(a)5 specifically prohibits amateur radio transmissions from competing with commercial radio communication services, rendering RRI’s claim that a conflict of interest exists as desperate and laughable – industry relies heavily on a motivated and educated young engineering work force, and most certainly needs to have an interest in the exposure of future engineers to amateur radio. Industry has also stated, loud and clear to the Commission, that it favors the rulemaking efforts by NYU to ensure the amateur radio service remains open and transparent. Industry has also been clear in the record that it strongly objects to the use of amateur radio for commercial use, or for using ham radio as a private, closed, effectively encrypted email system. Industry practitioners, and experts from a wide range of industries, have been overwhelmingly clear that all modes and operations
and uses of the amateur radio service must maintain openness, using only open, transparent data modes and protocols that can be monitored for true meaning, so that all can learn, share, participate, and grow in knowledge (see Comments in favor of NYU PDR and RM-11831 by National Instruments, Crown Castle International Corp., American Certification Body, Inc., and leading Ph.Ds in engineering, and other executives such as Admiral Edmund P. Giambastiani, Jr., U.S. Navy (ret) and a board member of Boeing, Marv Bloomquist (former Exxon executive), Ray Sokola (former Motorola executive), James George (former Motorola executive), Steve Weinstein (OFDM pioneer and past IEEE Communications Society President), Doug Zuckerman (past IEEE Communications Society President), leading educators such as Prof. Rob Frohne and Prof. Zoya Popovich, attorneys such as James Jordan, and dozens of other engineers, educators, lawmakers, and practitioners with engineering degrees and experience).

ARRL has given similarly weak and inaccurate arguments in its Dec. 2, 2019 reply regarding the NYU PDR, stating that the proposed language would cause confusion and would be improper in the face of ITU treaty obligations. A section of ARRL Comments is entitled “Petitioner’s Proposed Terminology Would Introduce Unique and Uncertain Terms to a Treaty Provision That Applies to Radio Amateurs Worldwide”. ARRL goes on to state:

“The adoption of this language by the delegates at WRC-2003 made clear and final that digital transmissions, all of which necessarily are encoded, are permitted in the Amateur Radio services so long as they are not used to obscure meaning….NYU asks the Commission to re-interpret the adopted provision of the world’s expert delegates. The Petitioner requests that the Commission declare that the treaty provision and the parallel domestic rule really mean that transmission of “effectively” encrypted or “encoded” messages are prohibited.  

ARRL fundamentally misinterprets the ITU Radio Regulations here. While the Radio Regulations are a treaty obligation of the US, they set an umbrella under which “administrations”, national regulators like FCC can authorize radio services of various types – including the Amateur Radio Service (“ARS”).

---

5 Ibid. at p. 3
Administrations may take actions under Radio Regulation 4.4 that are not consistent with ITU allocations has long as they do not cause harmful interference to allocations of other countries that are consistent.

Thus, FCC has authorized ARS use of the 5.275-5.45 MHz band even though there is no ITU allocation for that band. As another example that directly contradicts ARRL’s assertion, the FCC has made ARS primary in 10.1-10.15 MHz and 219-220 MHz, even though it is secondary in these same bands in the ITU allocations. Also, FCC has chosen not to authorize ARS in 220-222 MHz, even though that band has a coprimary ITU allocation for ARS. Thus, the ARRL’s rigid interpretation of the Radio Regulations in the case of the NYU PDR, which would consistently limit FCC options to ARRL’s narrow and self-serving interpretation of the ITU ARS decisions, is without factual basis.

The Commission will see that NYU’s PDR, which provides much needed clarification for openness and transparency, would not in any way limit the allowed modulations, coding, or protocols, as ARRL states⁶

“attribute new meaning to this provision, one that was not understood, debated, or adopted at WRC-2003 when the language was approved as an amendment to the (Art. 25, §2A.7) of ITU Radio nor by the Commission when it implemented the treaty’s provisions within Part 97 of its rules in 2006.

ARRL gives no factual basis or legal citation to its allegation that its self-serving interpretation of the WRC-2003 decision is “final” such that the Commission may not chose to legally narrow the scope of allowed transmissions in ARS if it finds that that is in the public interest, which has been clearly shown in the PDR and by the vast, well-articulated, supporting comments. Just as FCC has chosen not to authorize in Part 97 the use of 220-222 MHz, FCC could quite easily decide to implement the modest restrictions in the public interest that the PDR and commenters have urged.

The Commission must wonder why the ARRL, just like RRI and ARSFI, continually ignores the clear violations that have been provided in the record, including the 150 page Enforcement Bureau ticket, decades of complaints dating back to RM-11306 and RM-11708, and why they ignore so many experts who have taken time, and put their reputation on the line, to stand up for the future of the amateur radio service

⁶ Ibid. at p. 3-4
and the future of our country’s engineering capability and STEM outcomes. The ARRL and ARSFI incorrectly claim in their Dec. 2, 2019 comments that there are no or minimal violations occurring in amateur radio due to ACDS/Winlink, and ARSFI continues to insist that their closed network need only be monitored over their own highly controlled internet viewer, and that only their own small group should be the ones allowed to self-police and enforce. Yet, the positions of the ARRL, ARSFI, and RRI run contrary to the opinions of a wide range of technical experts, including past IEEE presidents, leading military officials, major companies, young amateur operators, leading educators, and a vast array of stakeholders from all walks of life, who care deeply about the culture and future of the amateur radio service. In particular, the Commission will note that many high school and college teachers, and students, have all written in to explain the problems that currently exist, and the vital need for the NYU PDR and RM-11831. There has not been a single young person to write in opposition to the NYU PDR — a telling sign that the younger users of amateur radio need the FCC to act immediately by implementing the PDR.

The Commission must ask itself what is the “motive” for ARRL, ARSFI and RRI to continually ignore rank and file amateur operators and a large number of leaders and experts. Why do they continue to fight against a simple language change that would make clear the need for transparency and openness of all data modes and systems in amateur radio, when it has been requested by so many of this country’s amateur operators, educators, corporations, technical experts and thought leaders for many years in these proceedings?

What is the potential long-term damage to the amateur radio service if the FCC simply continues to do nothing? We contend that rancor and ill-will simply will continue to escalate if the FCC does not step in and make clear that ham radio must be able to self-police itself. Those who choose to implement private, secure systems or data modes will do so with impunity, further degrading the amateur radio service and its ability to positively impact our country. For these reasons, the Commission must not under any
circumstances implement WT Docket No. 16-239 or RM-11828 until the NYU PDR (or RM-11831) is first implemented.

The FCC needs to clarify that all operations must be open and transparent in order to preserve the bedrock principles of the ARS, and that amateur radio must not be used for commercial use, private use, or for bypassing other radio services. The Commission must consider the insightful analyses that have been presented by so many of this country's technical experts and business leaders, as well as the many young amateurs who have unanimously written in to support the NYU PDR and RM-11831. The Commission should also pay heed to known expert Marcus Spectrum Solutions’ filing of Dec. 2, 2019 which shows why the Commission must immediately enact the PDR at this time.

The Commission will note that clear and salient points have been made by so many technical, credible experts, all with strong standing in the communications profession and in amateur radio service. These experts have clearly commented and replied regarding the urgent need for the Commission to implement the NYU PDR. A vast number of technical experts have replied how it would be a very simple step for ARSFI/Winlink, or any other data mode provider, to comply with the language suggested by the NYU PDR to ensure the bedrock principles of openness and transparency in amateur radio are preserved and respected through daily operations in the amateur radio spectrum.

SCS, the maker of Pactor modems, stated in its reply dated Dec. 16, 2019 that “[t]he FCC never explicitly stated how much detail is required and never complained to SCS about any one of our products during the last 29 years of PACTOR operations.” The original language for Section 97.113(a)4, as approved by the FCC at the beginning of the data era in ham radio, was crafted in 1995 when PacTOR 1, the original open source version of Pactor, was the only type of Pactor available. Since that time, SCS has gone on to commercialize its own proprietary versions of Pactor 2, Pactor 3, and Pactor 4 which operate in commercial maritime radio systems around the globe, where there is a commercial expectation of privacy. As so many
have shown in the record, and which SCS *does not deny*, Pactor 2, Pactor 3, and Pactor 4 generally cannot be monitored over the air for meaning by others in typical propagation conditions, unlike the vast other data modes such as FT-4, PSK31, FT-8, RTTY, CW, etc. SCS has admitted to the FCC that a single bit error causes the inability to decode the transmitted message – a feature of connected modes that is exploited for privacy in maritime mobile commercial email systems (see reply by Langford). As many experts and professional engineers have shown, these Pactor modes (and other data modes used by Winlink such as VARA, ARDOP, and Winmor) are simply not properly disclosed and documented whereby an expert such as Nelson Sollenberger could implement a decoder. Even John Huggins replied on Dec. 16, 2019 that his goal was to only try and receive *a single message* while continuously monitoring over the air for *several days*. The claims by ARRL and ARSFI that no privacy exists is simply disproven by SCS and Mr. Huggins’s own statements, which corroborate the expert analysis of Nelson Sollenberger that Winlink and its data modes are “nearly impossible” to decode for meaning over the air.

Rather than admit these facts, which go to the core of the NYU *PDR*, SCS simply states in its reply that it has never received a violation from the FCC and believes that it is meeting the legal requirement as specified by the FCC, based on its own interpretation of FCC regulations. This position by SCS in its Dec. 16, 2019 reply is convenient for providing and promoting an expectation of privacy on the one hand, while claiming there is no *intention* to obscure the messages being sent, and hence no violation, just as ARRL, ARSIF, and RRI have similarly argued. These “convenient” and conflicting positions are *proof positive* why the FCC must now clarify the fact that amateur radio data modes must be readily available for over-the-air reception by others for meaning, as requested in the *PDR*.

SCS contradicts ARRL’s own claim that the 2003 ITU treaty language would not be understood to others, since SCS is clearly seeking guidance from the Commission. We applaud SCS, who makes clear how important it is for the FCC to clarify its intent for the amateur radio service, so that SCS (and other vendors) may comply.
In essence, SCS is stating that today’s FCC language is ambiguous, so it is natural for different parties to interpret the meaning and the degree of importance of Section 97.113(a)4 differently. Some, like the ARRL and ARSFI and RRI, currently interpret today’s FCC language as legitimizing any other benefit, other than the intent to obscure a message, as being a valid and lawful reason to allow a transmission to be effectively encrypted such that others cannot listen in over the air for meaning. This blatant request for clarity by SCS in its Dec. 16, 2019 reply flies in the face of ARRL’s argument that any change in language would “attribute new meaning to this provision, one that was not understood, debated, or adopted.” Once again, the solution comes down to the FCC, and the FCC alone, to clarify what is and what is not allowable in the amateur radio service, and to clarify if, and to what degree, that the bedrock principles of transparency and openness are to be upheld and implemented. The ARRL and ARSFI argue that the NYU PDR language would be more ambiguous than the present language simply – but how can this be credible, given the record that shows the vastly varying and widely polarized viewpoints and interpretations that the present ambiguous language has invited over the past two decades. Marcus Spectrum Solutions aptly called the current FCC language “anachronistic”, which is precisely why the FCC must bring clarity to the amateur radio service for its own good and long term protection, and why the Commission should adopt the NYU PDR before doing anything else for amateur radio.

ARRL and ARSFI have made preposterous claims in its filings that there are simply no problems and that many have decoded Winlink and Pactor over the air, yet the very same people who ARRL and ARSFI have relied upon in their comments as having done the decoding (e.g., Huggins and SCS) have been transparent in that there have been virtually no others in all of amateur radio who have been able to successfully decode Winlink or Pactor over the air for meaning– and that it is exceedingly difficult to do, since one single bit error destroys the meaning of the message. That is, while ARRL and ARSFI claim that there are no problems in amateur radio and nothing needs to be changed, its own experts are on record stating how over the air monitoring simply has not been done by others, and have proven how it is “nearly
impossible” to do (this according to Sollenberger). If it is clearly “nearly impossible” to do, then the Commission must wonder why ARRL, ARSFI, and RRI continue to claim “there is nothing there to see, and all data can be copied” while ignoring so many experts in this Proceedings, even experts who formed the basis of their own filings, who are now on record in seeking guidance from the FCC and who are showing the FCC that there is a major problem here that must be solved through clarification of 97.113(a)4.

The Commission must enact the NYU PDR to bring needed clarity to the amateur radio service, especially in light of the years of debate, heated rhetoric, vast propaganda campaigns and widely differing viewpoints, or else the bedrock tenets of transparency and openness will be ignored even further, viewed as inconsequential, and will continue to be viewed as arbitrary and toothless should nothing be done by the Commission.

If the Commission chooses not to act on the NYU PDR, and chooses to implement 16-239 or RM-11828, it will essentially be offering tacit approval of the status quo, which is viewed as a danger to the fabric of the amateur radio service by so many. Such inaction by the Commission would be ignoring the pleas of a wide range of stakeholders, including technical experts, corporate and military leaders, professional engineers, educators, students, and amateur operators in general who are all urging the Commission to stop the slide and degradation of amateur radio. Without action by the FCC, the Commission will be fostering the detrimental effect of more private, closed, effectively encrypted data modes and systems throughout the amateur radio service. The statements by SCS and Huggins, when viewed next to the propaganda of ARSFI, ARRL, and RRI, when again viewed next to the myriad technical experts, corporations, government and industrial leaders, professional engineers, educators, students, and other amateur operators who care deeply about the future of amateur radio service, only serve to highlight the current degree of ambiguity, and bring focus as to why there is an urgent need to clarify the future of amateur radio by adopting NYU’s PDR.
By adopting the NYU *PDR*, the FCC will clearly state that data modes must be open for others to eavesdrop for meaning in typical propagation conditions, closing the loophole and doublespeak currently used to justify private, effectively encrypted data transmissions and private email networks that are not transparent or accountable to others in the amateur radio service. Today, such private networks and data modes compete with other radio services, while allowing unlicensed individuals access to the amateur radio spectrum, and have been shown to be the source of many other widespread violations of Part 97 rules.

As long as ambiguous rules, such as the current language in 97.113(a)4, are on the books, modem makers like SCS, and private global email network operators like Winlink, will always disclose the least amount of information, and will do the absolute bare minimum, providing as little information as possible to others, in order to enable the expectation of privacy that they advertise to users while claiming there is no “intent to obscure the message.” The NYU *PDR* rectifies this longstanding problem by making it clear that transparency and openness are requirements, and not just toothless aspirations within the amateur radio service. Only through transparency and openness can the amateur radio service self-police itself, prevent commercial exploitation, detect and rectify illegal activity or inappropriate content, while remaining open and accessible and welcoming to all practitioners.

Based on the vast comments in the record, and the number of experts who have given facts, the Commission should now take action and provide the much need clarity that SCS, Winlink, and all others require so they understand and can comply with a regulation that makes it more clear that it is not proper to use proprietary, undocumented signaling methods or to run closed, private networks that are not open or transparent to or accountable to others for monitoring for true meaning in the amateur radio service. Adopting NYU’s *PDR* will ensure that that the bedrock principles of openness and transparency will be maintained throughout the amateur radio community, for decades to come as technology continues to evolve. The need for this clarity should be apparent by the vast comments, and particularly by the statements made by ARRL, ARSFI, RRI, and SCS in the face of a wide range of technical experts.
In closing, the Commission must consider one additional fact that makes clear how the adoption of the NYU PDR would be quite easy for Winlink or any other data provider to immediately comply with the bedrock principles of transparency and openness in the amateur radio service. Consider the words of one of ARSFI/Winlink’s staunchest advocates, Gordon Gibby, who was been cited numerous times by ARRL and ARSFI as one of the very few people in the world who have ever claimed to have decoded a Pactor transmission for meaning in Winlink over the air (this claim was later shown to be “rigged” in the careful analysis by Nelson Sollenberger in his Nov. 18, 2019 filing, and as discussed in NYU’s comments of Dec. 2, 2019, since, in fact, such transmissions are “nearly impossible” to decode for meaning, and this has not been denied by SCS or Mr. Huggins in their Dec. 16, 2019 replies).

Mr. Gibby has been a frequent commenter to the FCC in these proceedings. Like the ARRL, RRI and ARSFI, he has opposed any change to the antiquated FCC rules which are trampled upon daily, as shown in NYU’s PDR and the vast comments in the record over the past many years (dating back to RM-11306 and RM-11708). Mr. Gibby, like the ARRL, ARSFI, and RRI, has continually ignored the vast number of technical experts, leading companies, executive leaders, youth, educators, and active amateur radio operators in this proceeding who make clear why the NYU PDR is critical for the future of amateur radio. Yet, Mr. Gibby, despite his staunch opposition to the NYU PDR, admits in his own words in a widely broadcasted email on Dec. 8, 2019, that it would be “Childs play for the WINLINK people to change their compression systems.” This is further evidence that the NYU PDR would pose no burden for Winlink to become open.

From: Gordon Gibby
Date: Sun, 08 Dec 2019 13:14:55 PST

Ha ha!

I think we are winning all over the place!

The ARRL attorney showed that the NYU petition attempts to break a United States treaty obligation. Good luck! I think they are dead meat.
Furthermore, tomorrow you will see my latest writing, which demonstrates how Sollenberger was completely screwed up and also the person who quoted him, Dr. Rappaport.

Even if these gentlemen win, it would be Childs play for the WINLINK people to change their compression systems. I believe they are in it for the principal, trying to preserve freedom. I write that as my own personal opinion, I’m not part of their department team.”

In conclusion, NYU appreciates the Commission’s consideration of the PDR, and appreciates the opportunity to set the record straight before the Commission, and to reply to misstatements that have appeared in the record and to highlight the propaganda campaign that has been waged within the hobby of amateur radio by a very small but vocal minority, now going on nearly two decades in their effort to perpetuate private, effectively encrypted email transmissions that are harmful to the amateur radio service when not made open and transparent and accountable to all.

As shown by numerous experts in this Proceeding, including Nelson Sollenberger, Ron Kolarik Michael Marcus, and numerous other technical leaders, executives, leading companies such as National Instruments who specialize in engineering tools and software defined radios, professional engineers, and many young amateur radio operators, it should be clear that ARRL, ARSFI, and RRI have relied upon contrived experiments in making their “claims” that Pactor and Winlink can be listened into for meaning over the air. It has been shown in this Proceeding to be “virtually impossible” to do, and this has been corroborated by many technical experts who have sterling credentials, including SCS and Mr. Huggins who did not deny this fact. SCS even has told the Commission, in a sense, that it will comply with regulations, but the current FCC regulations do not make clear that their data modes must be open for intercept by others. The Commission must confront the fact that ARRL, ARSFI, RRI, and their emotionally-charged followers, continue to deny and misrepresent the facts, and that vendors such as SCS will conform to regulations, whatever those regulations happen to be. It should be evident to the Commission from the record that it is now time to rectify the currently toothless requirement of transparency and openness that is being exploited by a vocal minority in the amateur radio service.
NYU asks the Commission to carefully review the record and consider the wisdom and technical acumen of so many engineering leaders, experts, educators, and pioneers who have provided analysis, opinions, and expertise that directly counter ARRL’s, ARSFI’s and RRI’s claims regarding the NYU PDR, WT Docket No. 16-239, and RM-11828. Please follow the advice of so many who have made important technical contributions and who were inspired by amateur radio to lead our country in so many fields, and consider the hopes expressed by young amateur radio operators who represent the future of our hobby and our country. Preserve the virtue of the amateur radio service by clarifying its stated purpose for our country. Enact NYU’s petition for declaratory ruling, Enact RM-11831, and reject RM-11828 and WT Docket No. 16-239 in their entirety.

Sincerely,

Theodore S. Rappaport
David Lee/Ernst Weber Chair
Founding Director, NYU WIRELESS
List of Recipients

Chairman Ajit Pai
Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks
Matthew Berry, Chief of Staff
Umair Javed, Legal Advisor to Commissioner Rosenworcel
Bill Davenport, Legal Advisor to Commissioner Starks
Aaron Goldberger, Legal Advisor to Chairman Pai
Erin McGrath, Wireless Legal Advisor to Commissioner O’Rielly
Will Adams, Wireless Legal Advisor to Chairman Carr

Office of Engineering and Technology
Julius Knapp, Chief Engineer
Ron Repasi, Deputy Chief
Jamison Prime, Associate Chief (Legal)
Paul Murray, Attorney
Nicholas Oros, Chief, Spectrum Policy Branch
Michael Ha, Chief, Policy and Rules Division

Wireless Telecommunications Bureau
Don Stockdale, Bureau Chief
Suzanne Tetreault, Deputy Bureau Chief
Roger Noel, Division Chief
Charles Eberle, Legal Advisor, Office of the Bureau Chief
Dr. Kenneth R. Baker, Chief Electronics Engineer, Office of the Bureau Chief
Scot Stone, Deputy Chief, Mobility Division
Paul Moon

Public Safety and Homeland Security Bureau
Curt R. Bartholomew, Senior Emergency & Continuity Manager

ECFS - Docket 16-239, PSHSB 17-344, RM-11708, RM-11759, RM-11828, RM-11831