

December 5, 2018  
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Chairman Ajit Pai  
Federal Communications Commission  
445 12 th Street, SW  
Washington, DC 20554

This cover letter is in response to: <https://ecfsapi.fcc.gov/file/120566997404/AjitPaiCoverLetter.pdf>  
and requests to reply with: [https://ecfsapi.fcc.gov/file/121455888341/DRAFT%20REPLY%20ARSFI%202012\\_18%20%2016-239.pdf](https://ecfsapi.fcc.gov/file/121455888341/DRAFT%20REPLY%20ARSFI%202012_18%20%2016-239.pdf)

Subject: ex parte Comments on Docket 16-239, RM-11708, RM-11759 (all Amateur Radio Symbol Rate NPRM) as well as 17-344 Puerto Rico

Dear Chairman Pai:

In the Puerto Rico proceeding, the FCC has closed comments by an R & O. Since the FCC has accepted a late filing by Amateur Radio Safety Foundation Inc, I also request that I, and others, be given the permission to respond to ARSFI. Otherwise I move for rejection of ARSFI's 17-344 ex parte as late filed, with the filer(s) being admonished to confine their comments to the proper proceeding. This unfortunate misuse of 17-344 for matters that should have been resolved separately in 16-239 is completely inappropriate. The FCC should end 16-239 and RM-11759 quickly too.

I am writing out of deep concern that that the Commission may succumb to a campaign led by the Amateur Radio Safety Foundation, Inc (ARSFI), Seven Seas Cruising Association (SSCA), as well as others in the business of yacht racing, transporting, and commercial or recreational fishing or cruise operations, or in the business of providing communications for those groups, resulting in a multitude of comments that promulgate misleading information, driven by efforts to misrepresent their free HF email services as “emergency communications” as the primary product of their activities. The consequences of granting their requests are severe.

The most damaging consequences would be the extermination of innovative new narrow band modes such as narrow band digital FT8, which comprises 55% of all amateur transmissions (more than all other modes combined, SSB, other digital modes, and CW). This would be caused by proliferation of “unlimited band width” unattended digital signals for the sole purpose of free HF email store and forward systems under 16-239. The ARRL, the original petitioner, admits even 2.8 KHz wide transmissions would do the same. Both of these ideas should be rejected.

The FCC offered as an alternate solution the regulation “by band segments” in its 16-239 instructions. This could easily allow greater than 300 baud rate within those automatically controlled (ACDS) segments (97.221), and would not have any negative impact on legitimate emergency communications under the auspices of SHARES or RACES, as they allege. NOTE: MARS currently allows no connection to the internet.

16-239 as written represents an existential threat to the amateur service, and is the most radical change the FCC has ever proposed for the amateur service. Amateur radio is no longer a “noncommercial communication service” if it is used for free HF email in competition with other services or cannot be

easily monitored for legal operation or content. These operations cannot objectively be classified as *voluntary noncommercial communication service, particularly with respect to providing emergency communications*. The DHS NCC SHARES, FEMA, and MARS operate primarily outside the amateur band assignments, have encryption ability, and have people trained in NIMS and chain of command protocols. *Grant money could have been better spent on adoption of STANAG instead of SCS Pactor 4 modems, a single source supplier, with no interoperability. If grant money for legitimate emergency communications has instead been spent on free HF email for consumers, that should be investigated.*

To characterize the free HF email of Randal Evans as emergency communications is ludicrous.

<https://ecfsapi.fcc.gov/file/7521315143.pdf>

Ordering boat parts, posting to a blog, or Facebook has absolutely nothing to do with emergency communications. Free email does not advance the state of the radio art, or qualify as legitimate non commercial non pecuniary activity, or qualify as legitimate emergency communications. Untrained email consumers do not advance the goals of 97.1. Facebook or blogs are now considered news (broadcasting), and can be a source of revenue based on number of followers or blog supporters. The transmission via Winlink email to Facebook is to broadcast to the non amateur radio public. The “pizza rule” has outgrown its beginnings to a daily business use.

97.113 Prohibited transmissions. (a) No amateur station shall transmit:

- (2) Communications for hire or for material compensation, direct or indirect, paid or promised, except as otherwise provided in these rules;
  - (3) Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer
  - (5) Communications, on a regular basis, which could reasonably be furnished alternatively through other radio services.
- (b) An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications except as specifically provided in these rules; nor shall an amateur station engage in any activity related to program production or news gathering for broadcasting purposes"

The SSCA, the Seven Seas Cruising Association has also filed comments:

<https://ecfsapi.fcc.gov/file/121353186912/SSCA's%20Letter%20to%20FCC.pdf>

Email can use Sailmail HF email accounts for only \$20 a month. SSCA is the FCC registered owner of the FCC licenses for Sailmail, providing over 100 HF email channels. Satellite service is also available:

<http://www.globalmarinenet.com/hf-radio-and-pactor-modems-vs-satellite-phones-for-email-at-sea/>

The US Coast Guard specifically warns not to contact them by Winlink free HF email:

<https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Response-Policy-CG-5R/Office-of-Incident-Management-Preparedness-CG-5RI/US-Coast-Guard-Office-of-Search-and-Rescue-CG-SAR/Contact-USCG-SAR/>

"Currently the U.S. Coast Guard email system is not set up to accept or respond to emergency SAR messages. If you are in distress or need to report an emergency, *do NOT send it via email, contact the Coast Guard via telephone or radio.*"

They cite the example of the Bounty Replica, which used Winlink free HF email as its primary off shore means of daily business communications with the home office. Read the Coast Guard hearing record to verify this. The Bounty is an example of how not to outfit or operate a vessel for safety.

Free Winlink email for 12,000 private yacht owners is not an entitlement that the rest of the amateur radio community world wide is obligated to subsidize by the confiscation of 100% of their DATA spectrum access. There are about 2 or 3 million amateurs world wide. It is quite a stretch of reality to say this is “serving the public good” or equitable. The actual use for a commercial common carrier is

evident by this group in their RM-11708 and 16-239 comments.

The commenters with emergency communications concerns can be accommodated by ending the 300 baud restriction, but with a better method than proposed by ARRL in RM-11708 or FCC in 16-239. 16-239 should be rejected or revised to properly accomplish that objective to be by “band segment” to separate the mechanized automatic email stations from human narrow band (500 Hz) transmissions, protecting both groups from interference. Rather than debating the necessary band width of signals, the FCC should have required the ARRL to show cause why it needed more spectrum; the revelation of the commercial use would have separated it from the true emergency communications.

Steve Waterman, officer of Winlink, stated as his intent on the bottom of page 4:

<https://ecfsapi.fcc.gov/file/10123298305905/%2017-344.pdf>

“For example, how much high-speed data at 2.4 KHz (Factor 3) can be sent and received on the 40 Meter Part 97 spectrum totaling an allowable 5 KHz total? But what about about two, three or a hundred such stations all operating simultaneously? After all, 2.4 KHz is the average bandwidth for a voice LSB signal. Why would the modern Amateur not want more than 5 KHz on 40 metes or 15 KHz on other HF Amateur bands for digital operations such as data transfer?”

Of course, if 240 KHz per HF band could be taken without cost from the amateur spectrum, there would be no further need for Sailmail as owned and operated by Seven Seas Cruising Association. That equipment could easily be modified for the amateur bands, if the FCC chooses to give it to them by 16-239. This is in violation of: "97.101(b): No frequency will be assigned for the exclusive use of any station." A Winlink store and forward email repeater system waits on a channel for a connect request. When a user accesses it, they can send their email, followed by the next user. HF carries world wide, unlike VHF or UHF, where voice or digital repeaters are common. *That is why there are no voice repeaters allowed on HF below 29.5 MHz.* When the FCC allowed these digital email store and forward systems on HF, they confined them to “band segments” in 97.221(b). Now, 97.221 (c) should be deleted, to prevent automatic unattended operation throughout the HF DATA segments:

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

The legitimate concerns of incumbent narrow band (500 Hz) users who have filed scores of detailed comments urging the FCC to reject 16-239 or revise it to “by band segment” have been ignored. Amateur radio is a national park for nerds. Those who sent a radical mob want to clear cut its forests, strip mine its mountains, pollute it with commercial content, and ban access of the general public to make way for their enterprises. Please grant more commercial spectrum for free to subsidize Sailmail to serve the legitimate commercial needs of the maritime community. Please do not destroy our national park for nerds, and what it has always offered in original Part 97.1 uses, for the public good. Reject 16-239.

Finally, I reject the unjustified and defamatory attacks on Ted Rappaport, who advocates for an amateur service that meets the FCC's long standing standards: "To ensure that the amateur service remains a non-commercial service and self-regulates, amateur stations must be capable of understanding the communications of other amateur stations."

[http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2013/db0918/DA-13-1918A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0918/DA-13-1918A1.pdf)

Japan, many Asian countries, and France (which prohibits D-STAR) are among those who prohibit or severely limit HF email. If amateur radio operators cannot self monitor off the air and the FCC is unable to do so, who is responsible to do it? We are constantly told, “See something, say something.” Dr. Rappaport simply reported his observations of a possible problem. He is not motivated by pecuniary gain. Some of his detractors are tainted by money, as shown clearly in their FCC correspondence. The FCC recently prohibited the sale or importation of Chinese transceivers which

could be programmed to transmit on public service frequencies, exposing them to risk of interference or false and deceptive signals. This is an example of the FCC acting to prevent bad outcomes with prudent regulations. <https://docs.fcc.gov/public/attachments/DA-18-980A1.pdf>

The FCC needs to revisit the “ordering pizza on the 2 meter auto patch rule” since it has escalated beyond reasonable legal uses of amateur radio. These facts have become public knowledge recently, due to the campaign to get 16-239 adopted. **Since these transmissions cannot be monitored by the FCC, it comes as no surprise that the FCC was not previously aware of this activity. Now that the FCC knows, it should take action to reject 16-239 as written**, and do major revisions to regulate “by band segment” instead of ineffective “by band width”. The FCC should also quickly begin a Rule Making for this petition to **ensure signals can be decoded off air**, as Dr. Rappaport has recommended: <https://ecfsapi.fcc.gov/file/100918881206/PETITION%20FOR%20RULEMAKING.pdf>

Sincerely,  
/S/

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

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#### APPENDIX:

Please incorporate by reference the following:

<https://ecfsapi.fcc.gov/file/1116853100153/petition2%20%20to%20dismiss%2016-239.pdf>

<https://ecfsapi.fcc.gov/file/1022189744573/FINAL%20PSHSB%2017-344.pdf>

[https://ecfsapi.fcc.gov/file/1113033276859/WT%2016\\_239replySCS%20FINAL.pdf](https://ecfsapi.fcc.gov/file/1113033276859/WT%2016_239replySCS%20FINAL.pdf)

[https://ecfsapi.fcc.gov/file/111469432723/WT%2016\\_239replySCS%20ERRATA.pdf](https://ecfsapi.fcc.gov/file/111469432723/WT%2016_239replySCS%20ERRATA.pdf)

<https://ecfsapi.fcc.gov/file/112631008384/FINAL%20reply%20NQ5L%2016-239.pdf>

<https://ecfsapi.fcc.gov/file/11262141029081/Reply%20McVeay.pdf>

[https://ecfsapi.fcc.gov/file/121455888341/DRAFT%20REPLY%20ARSFI%2012\\_18%20%2016-239.pdf](https://ecfsapi.fcc.gov/file/121455888341/DRAFT%20REPLY%20ARSFI%2012_18%20%2016-239.pdf)

[https://ecfsapi.fcc.gov/file/1214762322850/SSCA%2012\\_18%20REPLY%20Final.pdf](https://ecfsapi.fcc.gov/file/1214762322850/SSCA%2012_18%20REPLY%20Final.pdf)

<https://ecfsapi.fcc.gov/file/10100754910405/MATTHEW%20PITTS%20REBUTTAL1.pdf>