

December 29, 2018
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Chairman Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Subject: ex parte Comments on Docket WT 16-239, RM-11708, RM-11759, PHSB 17-344

Dear Chairman Pai,

I am writing in reference to the above listed proceedings. My primary interests are keeping amateur radio an open service, where all communications may be understood by all, and ensuring adequate spectrum remains available for all modes using less than 500Hz bandwidth, without competition from wider bandwidth modes. There is also a national security aspect that requires attention. The recently reported intercept of encrypted cw in the ham bands, <http://www.iarums-r1.org> (see *Latest News*), and reports of unidentified Pactor, and other modes typically used by amateurs, demonstrate the threat exists. These examples are precisely why any communications in the amateur radio spectrum must be readable by everyone.

First let me say I am dismayed by the tone and personal attacks in the filings from Specialized Communications Systems (SCS), Amateur Radio Safety Foundation Inc.(ARSFI), and Seven Seas Cruising Association(SSCA). Other general commenters seem to have taken their lead from these filings. This form of expression by the authors has absolutely no place in an official FCC communication nor does it advance their cause. The arrogant, condescending attitudes and personal attacks should be taken into account in any decision the Commission makes in the listed proceedings.

I operate digital modes almost exclusively. RM-11708 or WT 16-239, in their current form, have the potential to do great harm to incumbent narrow band users. Neither of these two proceedings address current problems. In fact, enacting either of these, as written, will cause more conflict and congestion in the already crowded amateur radio spectrum. Wideband and narrow band modes are not compatible, and must be segregated to prevent wider modes from taking over large sections of the very narrow RTTY/Data sub bands. The mode that's received the most attention in these proceedings, Pactor 4, is specifically designed to overcome narrow band interference. In other words, Pactor 4 is capable of taking over any spectrum it wishes, at any time. The current Pactor 3 implementation also has the ability to override almost any other signal to make a connection, apparently has no effective means to determine if a channel is already occupied, and what limited "channel busy detection" is available is easily defeated or ignored.

The Commission recognized the problem of incompatibility when it wisely divided the bands for Phone and RTTY/Data. If wideband data is to be allowed on the amateur bands, if at all, it should be confined to an area with comparable bandwidth modes. The IARU [Region 2 bandplan](#) implements just such a separation of modes by bandwidth and usage.

My comments below are further expanded in the attached filing that will appear on the ECFS under the previously referenced proceedings.

The SCS email of June 11, 2018, in response to Scot Stone's inquiry, left the question of public disclosure of "technical characteristics" up in the air with the statement that, "offering complete insight to our technologies also means releasing corporate secrets." According to this, the protocol is not completely documented, and qualifies as an Unspecified code, explicitly forbidden on the amateur bands below 6 meters, (§97.309(a)(4) and §97.309(b)). Unspecified codes are also not to be transmitted to other countries, "with which the United States does not have an agreement permitting the code to be used." (§97.309(b)) Allowing continued use of an unspecified code, on the bands where not authorized, is open invitation to abuse, and since the frequencies in question (MF/HF) easily cross international borders, present a possible national security threat.

ARSFI's long, rambling filing trying to justify continued use of unspecified codes on the MF/HF bands left more questions than answers. ARSFI/Winlink insistence that they alone should be the ones capable of monitoring their system is in direct conflict with Commission stated positions and rules. §97.113(a)(4) is perfectly clear, all transmissions must be readable. These ARSFI/Winlink statements, concerning monitoring, demonstrate the extent of the problem – "They clearly do not know what monitoring routinely occurs, and are thus not qualified to judge", and "It is our opinion that it is normally not practical to expect a layman or the amateur community at large to monitor third-party communications via these transmissions. To expect so is also not relevant, and does not present a danger because other, much more efficient means of inspecting and monitoring are at work daily."

The casual dismissal of open transmission, and ability of third-parties to monitor, is totally unacceptable in the amateur radio service. "Not qualified to judge", and, "not relevant", are a slap in the face to all amateur radio operators who are not part of a tiny but vocal splinter group. Amateurs are effectively locked out of performing self-policing if transmissions are not readable, which is a necessary part of the service. Amateur radio is an open system for all to use, and understand all other amateur transmissions, not a closed private service for the select few.

ARSFI/Winlink claims, "Over 2500 sysops routinely inspect their own gateway station's traffic.", is another of the many misstatements, distortions and distractions in their filing. A check of the publicly available, amateur radio Winlink gateways at, <https://winlink.org/>, only lists 703 unique calls, for all modes associated with a Winlink gateway. The missing 1800 or so Winlink gateway operators must be in another commercial or government service that Winlink supports. An accounting error this large should cast doubt on the rest of the statements and claims in the ARSFI filing.

Unless the Commission's stated position, in **DA 13-1918**, has changed – "As noted by numerous commenters, the amateur community has a long tradition of self-regulation and a strong commitment to maintaining the unclouded distinction between the amateur service and other radio services. 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." – the continued use of, or allowing additional unspecified codes, in the MF/HF amateur bands should not be allowed.

The SSCA filing actually requires little comment. It is obvious the boating community is using amateur radio to avoid paying for existing marine radio or satellite services. (§97.113(a)(5)) Using safety-of-life at sea is a very poor excuse to justify amateur radio use, especially when there are products and services specifically designed for marine safety-of-life. From the [USCG](https://www.uscg.gov/), "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”.

Commenters supporting the ARSFI/Winlink position, in regards to emergency communications, supply no evidence that the relaxing of the 300 baud limit will benefit emergency operations. While amateur operators have some value supporting disaster communications, there is no evidence that higher speed digital modes hold any advantage over currently available slower modes. Digital in this context is all email and not time sensitive. Health and welfare messages are routinely held for up to 72 hours before transmission. From the [ARRL Digital Traffic Network](#):

4. Health and Welfare traffic for the affected area will be held for 72 hours before being sent to reduce interference and maintain clear frequencies for emergency traffic unless told otherwise by either the Area Digital Manager (ADM) or Alternate Area Digital Manager AADM).

There simply is no demonstrated need, beyond the modes available today, for faster email on HF, or for that matter general everyday use of the amateur service for HF email, bypassing available commercial systems. The ARRL statement simply **wipes away** any need for rapid digital communications for Health and Welfare traffic using amateur radio.

Again, my only interests are in keeping all amateur transmissions open, and readable by other amateurs; preserving adequate spectrum for all modes using 500Hz or less, without competing with voice bandwidth or wider modes; ensuring all intruders are recognized as such, and referred to proper authorities when necessary. Violations by current Winlink/ARSFI stations already occur daily in the amateur radio spectrum, as was shown to the FCC by Dr. Rappaport in September 2016, and these violations must be addressed first, before allocating additional spectrum or capabilities in the amateur radio service.

Respectfully,

/s/

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Ajit Pai cover letter

ex parte reply to and rebuttal of comments from SCS, ARSFI, SSCA, et al.

ECFS – Docket No. 16-239, 17-344, RM-11708, RM-11759