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Before the
Federal Communications Commission
Washington, D.C. 20554

JAN 23 11 47 AM '95

MM Docket No. 93-85

In the Matter of

Amendment of Part 97 of the Commission's Rules Concerning Message Forwarding Systems in the Amateur Service.	RM-7649 RM-7669 RM-7675 RM-7676 RM-7681 RM-7904

MEMORANDUM OPINION AND ORDER

Adopted: December 23, 1994; Released: January 23, 1995

By the Commission:

I. INTRODUCTION

1. On March 30, 1994, the Commission adopted a *Report and Order (Order)* in this proceeding[1] providing, *inter alia,* that in contemporary message forwarding systems,[2] the control operators of intermediate forwarding stations, *i.e.,* those beyond the first forwarding station, would not be held accountable when their stations inadvertently retransmitted communications not permitted under our rules.[3] The purpose of this *Order* was to relax the amateur service rules to enable these systems to operate at high speed while retaining the minimum safeguards necessary to prevent misuse.[4] Since the adoption of this *Order,* we have received a petition for reconsideration from Mr. Phil Karn. Mr. Karn requests that we reconsider the part of our decision that requires the licensee of the first forwarding station to either authenticate the identity of the station from which it accepts communications on behalf of the system, *or* accept accountability for the content of the message.[5] This *Memorandum Opinion and Order* denies that petition.

II. DISCUSSION

2. The petitioner states that our *Order* is a welcome improvement in the rules.[6] He is concerned, however, that our decision appears to be based on the architecture of the existing packet radio message forwarding network, rather than a principle of broad applicability that will not have to be revisited as amateur service technology and practices evolve. The present system and its architecture, he says, is rapidly being overtaken by new systems that render the concept of a first forwarding station largely meaningless because the originating station and the first forwarding station are the same station in these new systems.[7] Mr. Karn requests, therefore, that we either eliminate all references to first forwarding stations and place all responsibility for violative communications on the originating station, or interpret our *Order* as applying only to certain system architectures.[8]

3. The objective of this proceeding was to ascertain what accommodations, if any, should be provided for amateur stations operated in contemporary high speed message forwarding systems, while retaining safeguards to prevent misuse.[9] One of the accommodations suggested was to place all responsibility for violative messages on the originating station and not hold any control operator of a forwarding station accountable for improper communications.[10] The Commission considered this suggestion, but decided there must be on-going oversight of these systems, and we held the control operators of the first forwarding stations responsible to ensure compliance with our rules.[11] We accepted the recommendation of The American Radio Relay League, Inc., that the control operator of the first forwarding station be required to establish the identity of the originating station, or be held accountable for the message.[12] Mr. Karn's request, therefore, that we place all responsibility on the originating station, was considered and rejected in the *Order.* The petitioner does not present any new information. We continue to believe that peer oversight is reasonable, technologically feasible, and conducive to the overall goal of a self-regulating amateur radio service. Under our rules, the first forwarding station is required either to authenticate the identity of the station from which it accepts a message for further forwarding, or to accept responsibility for the message being permissible under our rules. The originating station must be a different station than the first forwarding station. Any station can be a first forwarding station, including a station functioning as a "digipeater" or as a node. The status of the first forwarding station is determined by the path of the message and is transparent to the configuration of the station or the particular technology being used at the station.

4. The *Order* does not address, nor was it intended to address, all possible message forwarding systems that may be developed in the future. This issue appears to be the main concern of Mr. Karn. If the current rule becomes unworkable in a system using a different architecture, interested parties can request rule changes at the appropriate time.

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1 9 FCC Rcd 1786 (1994).

2 A message forwarding system is a group of amateur stations participating in a voluntary, cooperative, interactive arrangement where messages and other communications from the control operator of an originating station are transmitted to one or more destination stations via forwarding stations, which may or may not be automatically controlled.

3 Prohibited communications are set forth in Section 97.113 of the Commission's Rules, 47 C.F.R. § 97.113. Although control operators of intermediate forwarding stations other than the first forwarding station no longer have to authenticate the identity of the originating station or screen each message, they do remain responsible for discontinuing improper communications once they become aware of their presence.

4 *See* Order at 1.

5 We note that originator authentication techniques in the amateur service are under discussion. See, for example, Jon Bloom, *Empirically Speaking,* QEX ARRL Experimenter's Exchange (November, 1993).

6 Petition at 1.

7 *Id.*

8 *Id.* at 2-3.

9 *See* Notice of Proposed Rule Making at para. 2.

10 Order at 4.

11 *Id.* at 5.

12 *Id.*

III. ORDERING CLAUSES

5. In view of the foregoing, and pursuant to the authority contained in 47 U.S.C. § 154(i), IT IS ORDERED that the petition for reconsideration of the Commission's decision filed by Mr. Phil Karn IS DENIED.

6. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

7. For further information concerning this *Memorandum Opinion and Order* contact William T. Cross, Wireless Telecommunications Bureau, (202) 418-0680.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary