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Thursday, April 20, 1995

Re: **RM-8626**

Secretary  
Federal Communications Commission  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL DOCKET NUMBER [REDACTED]

I am an extra class amateur radio operator, KG5ME. This is to oppose the Petition for Rule Making RM-8626, which seeks to eliminate the rules permitting one-way information bulletins and Morse Code practice in the amateur radio bands below 30 MHz.

The Petitioner, Fred Maia, W5YI, is a purveyor of amateur radio-related merchandise, including code practice tapes and code practice computer programs. He also publishes a subscription newsletter, the W5YI Report. As such, he has an inappropriate financial interest in filing this amateur radio-related petition. His sole and only purpose in filing the Petition is to eliminate altruistic competition that interferes with his for-profit operation; thus, it is implicit in Petitioner's proposal that one-way information bulletins and Morse Code practice, including the operations of W1AW by the American Radio Relay League (ARRL), are not out-moded or obsolete.

The one-way information bulletins and Morse Code practice provided by W1AW are available at no cost to any interested party with a receiver or transceiver capable of tuning the amateur radio bands. They are financed with voluntary ARRL membership dues and provided as a service of the ARRL to all listeners, regardless of whether the listener is an ARRL member or even an amateur radio operator. By contrast, the on-line computer services and code practice tapes and computer programs are generally available only through commercial providers such as Petitioner.

It is notable that while the ARRL provides one-way information bulletins and Morse Code practice in the amateur radio bands below 30 MHz., it also sells code practice tapes and computer programs, and offers subscription bulletin services. There is nothing in the rules that prohibit Petitioner from offering his own one-way information bulletins and Morse Code practice in the amateur radio bands below 30 MHz. to supplement the sale of his own code practice tapes and computer programs.

Petitioner seeks to silence one-way information bulletins and Morse Code practice that are offered as a public service by a private, non-governmental entity. The one-way information bulletins and Morse Code practice to which Petitioner objects are not financed or subsidized with any government funds. Under these circumstances, Petitioner should not be permitted to invoke this Commission's rule-making authority for his own pecuniary gain.

Petition RM-8626 should be denied.

Yours very truly,



Ralph H. Brock  
RHB/

cc: Raymond A. Kowalski, Esq.  
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