

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 97 of the)
Commission's Rules to Eliminate)
Certain One-Way Communications In) RM-8626
The Amateur Radio Service Medium)
And High Frequency Bands)

DOCKET FILE COPY ORIGINAL

To: The Commission

**REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED
IN RESPONSE TO PETITION FOR RULE MAKING**

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.405(b) of the Commission's Rules (47 C.F.R. §1.405(b)), hereby respectfully submits its reply to comments filed in response to the Petition for Rule Making filed on or about March 16, 1995 by Frederick O. Maia (Maia). Maia requested in his petition that the Commission's rules governing the Amateur Radio Service be modified so as to prohibit Amateur Radio Service stations to transmit one-way information bulletins and international Morse Code practice below 30 MHz. In continued opposition to the relief requested in the Maia petition, the League states as follows:

1. The League has reviewed most of the 537 comments now contained in the Commission's RIPS system in the Public Reference Room. This is an extraordinarily large number of comments in response to a rule making petition, and illustrates the depth of

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the sentiment of amateur radio operators about the issues raised in Maia's petition. The volume of comments filed, coupled with the fact that virtually all of them are opposed, (many vehemently opposed) to the petition makes it patently obvious that this petition was ill-conceived and should be dismissed without further delay.

2. The reasons why the petition is unanimously opposed by commenters are as stated in the League's comments in this proceeding, and need not be repeated here. Most of the comments perceived Maia's effort to have been driven by his commercial interest in publishing a newsletter aimed at amateur radio licensees, and his commercial sale of examination preparation materials, including Morse code tapes. The League's W1AW has for many years offered a free alternative to the purchase of Maia's Morse code examination materials, and the comments strongly supported the continuation of W1AW's daily code practice on the HF amateur bands, which are available to all amateurs at no cost. Obviously, this opportunity is appreciated and utilized by amateurs and is not something that the amateur community is willing to give up.

3. At the same time, the comments strongly supported the timely dissemination of amateur radio information, such as the declaration of voluntary communications emergencies by the Commission, information about disaster relief communications, and the like. The extent of support for the HF bulletins from W1AW and nightly code practice caused many commenters to characterize the

relief sought in Maia's petition as "unthinkable". The Lakeland (Florida) Amateur Radio Club, for example, stated that it would be "unthinkable and even ridiculous" to consider this proposal. The Polk (Florida) Ham Club stated, as did many others, that the bulletins and code practice of W1AW are an institution in Amateur Radio, and to prohibit its service by rule was not even debatable:

W1AW should be considered as an institution, not just an amateur radio station. For anyone to even think about eliminating the daily bulletins, reports, code practice and emergency announcements is unthinkable.

3. As far as the League has been able to determine, only one document of the 537 comments filed suggested that the Maia petition should be further discussed. The comments of Bennett Z. Kobb, KC5CW, noted that there were abuses of the one-way bulletin rules (apparently by sources other than the League's W1AW), and noted that the Commission's enforcement efforts relative to the existing rules governing amateur one-way transmissions are distinctly below what is called for under the circumstances. Mr. Kobb jumps from that premise to the suggestion that one-way transmissions are therefore better relegated to the International Broadcast Service under Part 73, and suggests that the Maia petition deserves further consideration.

4. While the League does not necessarily disagree with any of Mr. Kobb's premises, his conclusion does not follow therefrom. It is true that the existing rules are subject to some abuse, in that one-way transmissions are not specifically time-limited. However, what Mr. Kobb refers to as "incessant one-way operations", "filibusters", and "interminable, opinionated amateur one-way voice

transmissions" can be fully and completely dealt with under the existing rules without difficulty, to the extent that they constitute broadcasting and not information bulletins. Mr. Kobb discusses the applicable rules in his comments. See, e.g. 47 C.F.R. §§97.111(b); 97.3(a)(23); 97.113(b).

5. The League agrees wholeheartedly with the many commenters who suggest that what is lacking in addressing any abuse of the Commission's rules is not additional regulations prohibiting valuable services such as those of W1AW, but rather some reasonable enforcement of existing rules. The Commission's current enforcement efforts applied to the Amateur Service are wholly insufficient and poorly administered. In this respect, the League agrees with the sentiment succinctly stated in this proceeding by Mr. Victor Madera, Secretary of the Puerto Rico Amateur Radio League:

We are aware of various improperly handled "one way" services but strongly suggest as a solution an improved "self control" of the use of radio waves and a better scrutiny of the alleged "illegal" transmissions by the FCC, who has the proper tools within Part 97 to control and sanction those which do not comport with normal operating practices.

Other comments echoed the desire of amateurs for a more aggressive approach to enforcement of existing amateur rules as the proper means of addressing any concern about any amateur "bulletin" service which is not in compliance with either the prohibition of broadcasting or the stringent limits on one-way transmissions currently stated in the Amateur rules.

6. The League believes that the virtually unanimous comments in this proceeding accurately reflect the sentiment of the Amateur

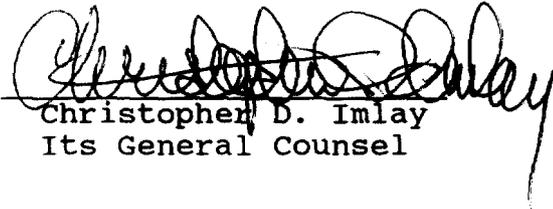
Service overall. Mr. Maia's petition was ill-conceived and must be dismissed without delay.

Respectfully submitted,

**THE AMERICAN RADIO RELAY
LEAGUE, INCORPORATED**

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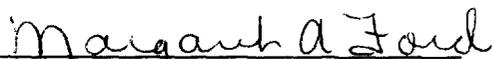
CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager in the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED IN RESPONSE TO PETITION FOR RULE MAKING were mailed first class, postage prepaid, this 19th day of May, 1995, to the following:

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