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July 6, 1995

MR. WILLIAM CATON
ACTING SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, DC 20554

Regarding: RM-8648

Dear Mr. Caton:

Apple Computer has put forth a petition for an NII band. Spectrum sharing by fixed and mobile users on a completely ad-hoc basis is proposed. This is a brilliant blend of good science and free market ingenuity. No centralized control is required.

This is the kind of "regulation" that our government should be providing us. I fully support this petition.

Sincerely,



Duncan K. Stuart

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Allocation of Spectrum in the 5 Ghz Band) RM-8653
To Establish a Wireless Component of the)
National Information Infrastructure)

In the Matter of)
)
Petition for Rulemaking to Allocate the 5.1-5.3 Ghz) RM-8648
Band and Adopt Service Rules for a Shared Unlicensed)
Personal Radio Network)

COMMENTS OF FRANCIS A. NEY, JR.

I wish to submit these comments to the petitions for rulemaking cited above. I am filing as an individual and a long time licensee of the Amateur Radio Service (ARS). I strongly support RM-8653 ("NII Petition") and urge the Commission to take the necessary actions to make this proposal a reality as soon as possible. I support RM-8648 ("WINForum Petition") only as a possible alternate to RM-8653 should that petition be denied.

It is trite but true to say that we as a nation stand at a crossroads in information service technology. How we plan for and deal with the ever expanding Information Age will determine our place in the world community. The correct decision at this critical juncture could well be the difference between maintaining the nation's preeminence in information processing or being relegated to the global information backwaters. I firmly believe that adopting the NII petition is the correct decision.

So long as reliable information processing is tied exclusively to wireline systems, there will be some situations and geographical areas where such systems will not be possible, for technical and economic reasons. Eliminating the need for a physical conduit serves to make the proposed National Information Infrastructure more flexible to local conditions, thus more people will be able to obtain access despite those conditions. This is in keeping with legislative mandates concerning the NII.

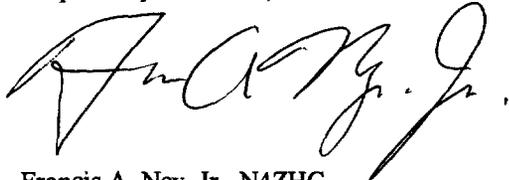
Licensees in the ARS are in a unique position with respect to the NII petition. The ARS has traditionally been on the cutting edge of new technology. Through experimenting and building, amateur operators have pioneered advances in communication, from the discovery of ionospheric propagation to the development of spread-spectrum technologies. With the adoption of the NII petition, ARS licensees will eventually be able to provide NII connectivity, thus adding a new way amateurs provide service to their community. Every repeater site and hamshack is a potential NII link, not just a hobby or emergency services resource.

The rules governing the proposed NII band should be broad enough to permit a large variety of wireless devices. High speed devices will be necessary for some applications, but they should not be required with the purpose of monopolizing the band. Experience in the recently created Part 15 bands demonstrates that the technology will adapt to the perceived regulatory environment. In my opinion, technology, not regulation, should determine the most effective use of the NII band. For this reason, I believe that the NII petition is superior to the WINForum petition. As long as the service rules provide for a level playing field, a multitude of different communications technologies will be able to coexist peacefully in the NII band.

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In conclusion, it is my feeling that the proposed NII band is potentially a great leap forward in information processing and distribution, and should be given serious consideration. The principles embodied in the NII petition should guide the Commission in the development of the NII band, to ensure equitable access for all. The combination of adequate spectrum and efficient spectrum sharing rules should create the proper environment for innovative information technologies to thrive.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis A. Ney, Jr.", written in a cursive style.

Francis A. Ney, Jr. N4ZHG
Box 244 Route 45
Glengary, WV 25421-0244

July 10, 1995