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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

MAY 25 1997

In the Matter of	)	
	)	
Amendment of Parts 2 and 97 of the Commission's Rules Governing the Amateur Service to Authorize Operation on Additional Frequency Bands in American Samoa	)))))	**RM-_____**

To: The Chief, Wireless Telecommunications Bureau

PETITION FOR RULE MAKING

The American Radio Relay League, Incorporated, by counsel and pursuant to Section 1.405 of the Commission's Rules (47 C.F.R. §1.405), hereby respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date, proposing to amend Sections 2.106, 97.301 and 97.303 of the Commission's Rules governing the frequency allocations for the Amateur Service, to permit the use of the frequency band 7.100 to 7.300 MHz in the Territory of American Samoa, as a domestic exception to the International Table of Frequency Allocations. As good cause for this petition, the League states the following in support thereof:

1. The Territory of American Samoa is an unincorporated, unorganized Territory of the United States, located in Oceania, approximately 2,896 miles from Australia, 2,072 miles from the coast of New Zealand, and 106 miles from Western Samoa. American Samoa is located in ITU Region 3.

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2. In ITU Region 3, the Amateur Service allocation in the 7 MHz band extends only from 7,000 kHz to 7,100 kHz. In ITU Region 2, the Amateur Service has, in addition to that 100 kHz segment, a primary allocation at 7,100 to 7,300 kHz. Footnote S5.142 (formerly Footnote 528) to the Table of Frequency Allocations, at Section 2.106 of the Commission's Rules, states that use of the band 7,100 to 7,300 kHz by the Amateur Service in ITU Region 2 shall not impose constraints on the use of that band in Regions 1 and 3 by the broadcasting service within Regions 1 and 3.

3. The 7,000 to 7,300 kHz band is extensively used by the Amateur Service, and is essentially the most reliable long-distance high-frequency band available for amateur use throughout the year, and throughout the eleven-year sunspot cycle for HF radio propagation. The band is relied upon heavily, worldwide, in times of severe weather emergencies, which occur with some regularity in American Samoa, and is without question one of the most heavily occupied of all Amateur bands on a regular basis. A recent survey of League members revealed that the 7 MHz band is the most popular HF band. The urgency of the use of 7,100-7,300 kHz in American Samoa is for purposes of communications with other countries in the Region, such as Australia, New Zealand and Western Samoa, that utilize the entire band, and which have themselves established emergency communications networks on frequencies in the 7,100-7,300 kHz segment, and for communications, emergency and otherwise, with amateur networks in Hawaii[1], and on the United States mainland. The absence of amateur access to the entire band

[1] Hawaii is located in ITU Region 2, and therefore amateurs located in Hawaii have, and regularly use, the entire 7,000-7,300 kHz band. Communications between Hawaii and American Samoa in times of emergency, especially severe weather emergencies, should be facilitated at 7 MHz for purposes of reliability and disaster preparedness.

at 7 MHz has impeded, and continues to impede communications, because the emergency communications stations that would otherwise be accessible to American Samoa amateurs are established above 7,100 kHz, the current upper limit of the band in American Samoa. The restriction of the band to only 100 kHz in ITU Region 3 has led to a series of domestic exceptions to the International Table of Frequency Allocations.

4. Thus, although in ITU Region 3, the 7,100-7,300 kHz band is allocated to the broadcasting service, a number of countries in Oceania have chosen to make a domestic allocation outside the table of frequency allocations for that Region, permitting domestic use of the entire 7,000 to 7,300 kHz band by the Amateur Service. These countries include Western Samoa, Australia and New Zealand. Given the relatively large number of licensed radio amateurs in Australia and New Zealand by comparison to the number of licensees in American Samoa, and the geographic proximity of Australia, New Zealand and Western Samoa to American Samoa, two things are apparent: (1) that the propagation characteristics of the Oceania countries that permit Amateur operation at 7,100 to 7,300 kHz are sufficiently similar to those of American Samoa that the interference potential of amateur transmissions from American Samoa to other parts of the world is unlikely to be any different from that of transmissions from those other Oceania countries at 7,100 to 7,300 kHz; and (2) that the number of licensed radio amateurs in American Samoa, which most recently totalled 96, is so small by comparison to the total number of licensees in Australia (24,376 in 1996), New Zealand (6,390 in 1996) and Western Samoa (159 in 1996) that there is no marginal interference potential to HF broadcast reception.

5. The International Radio Regulations specifically permit the United States to make a domestic exception to the International Table of Frequency Allocations, provided that such is done on a non-interference basis. S4.4 (Geneva, 1996) states as follows:

> Administrations of the Members shall not assign to a station any frequency in derogation of either the Table of Frequency Allocations in this Chapter or the other provisions of these Regulations, except on the express condition that such a station shall not cause harmful interference to, and shall not claim protection from harmful interference caused by, a station operating in accordance with the provisions of the Constitution, the Convention and these Regulations.

Given the decisions of the Administrations of Australia, New Zealand, and Western Samoa to permit amateur operation at 7,100 to 7,300 kHz in derogation of the International Table of Allocations on a non-interference basis pursuant to this provision of the Radio Regulations, there is no significant reason why the United States could not make an identical provision for the benefit of the citizens of American Samoa, who would be served by the increased emergency communications capabilities of the licensed radio amateurs in that Territory. There appears no need to create any international footnote to the International Table of Allocations, though the domestic table of Allocations, at Section 2.106 of the Commission's Rules, might, for purposes of accuracy, be amended by the creation of a domestic footnote reflecting the non-interference status of amateur operation at 7,100-7,300 kHz amateur operation in American Samoa. A draft footnote is included in the attached Appendix.

Accordingly, to afford radio amateurs in American Samoa operating privileges at 7 MHz commensurate with those of their counterparts in Australia, New Zealand, and Western Samoa, and to insure that those radio amateurs in American Samoa are able to provide and receive emergency, public service and public safety communications in the entirety of the most reliable and popular amateur HF frequency band, the League requests that the Commission issue a

Notice of Proposed Rule Making without delay, proposing the amendments contained in the attached Appendix.

Respectfully submitted,

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APPENDIX

1. Section 2.106 of the Commission's Rules is amended to read, in relevant part, as follows:

TABLES OF FREQUENCY ALLOCATIONS						
INTERNATIONAL			UNITED STATES			
Region 1 kHz	Region 2 kHz	Region 3 kHz	Band kHz	Government Allocation	Non-Government Allocation	Remarks
7100-7300 BROADCASTING	7100-7300 AMATEUR S5.120 S5.142	7100-7300 BROADCASTING	7100-7300	 S5.120 S5.142	AMATEUR S5.120 S5.142 U.S.XXX	

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US.XXX *Additional Allocation*. In American Samoa, the band 7,100-7,300 kHz is allocated to the Amateur Service on a non-interference basis to the broadcasting service in Regions 1 and 3.

2. Section 97.301(b) is amended to read, in part, as follows:

*****

Wavelength band	**ITU Region 1**	**ITU Region 2**	**ITU Region 3**	**Sharing Requirements See §97.303, paragraph:**
		*****		
40m	7.0-7.1	7.0-7.3	7.0-7.1	(a), (a)(1)

*****

3. Section 97.301(c) is amended to read, in part, as follows:

*****

Wavelength band	**ITU Region 1**	**ITU Region 2**	**ITU Region 3**	**Sharing Requirements See §97.303, paragraph:**

*****

40m	7.025-7.100	7.025-7.300	7.025-7.100	(a), (a)(1)

*****

4. Section 97.301(d) is amended to read, in part, as follows:

*****

Wavelength band	**ITU Region 1**	**ITU Region 2**	**ITU Region 3**	**Sharing Requirements See §97.303, paragraph:**

*****

40m	7.025-7.100	7.025-7.150	7.025-7.100	(a), (a)(1)
-do-	---	7.225-7.300	---	(a)(1)

*****

5. Section 97.301(e) is amended to read, in part, as follows:

*****

Wavelength band	**ITU Region 1**	**ITU Region 2**	**ITU Region 3**	**Sharing Requirements See §97.303, paragraph:**

*****

40m	7.050-7.075	7.10-7.15	7.050-7.075	(a), (a)(1)

*****

5. Section 97.303 is amended to add the following after subsection (a) thereof:

(1) Amateur stations located in the Territory of American Samoa having a control operator who has been granted an operator license of Amateur Extra or Advanced Class may additionally transmit in the 7.1-7.3 MHz band; those stations having a control operator who has been granted an operator license of General Class may additionally transmit in the 7.225-7.3 MHz band; and those stations having a control operator who has been granted an operator license of Novice Class may additionally transmit in the 7.100-7.150 MHz band, provided that no harmful interference is caused to the broadcasting service in Regions 1 and 3, and that no amateur station is protected from interference from the broadcasting service in that band.