

DOCKET FILE COPY ORIGINAL

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of )

The ARRL's )

"REQUEST FOR DECLARATORY RULING )RM-9259

Titled "Compliance With Applicable Voluntary )

Band Plans in the Amateur Radio Service )

To: The Chief, Public Safety and Private Wireless Division

Wireless Telecommunications Bureau

From: L. Raymond Pearl, AA7IH

13295 SW Carr Street

Beaverton, Oregon 97008

OBJECTION TO

REQUEST FOR DECLARATORY RULING

I am writing to express my opposition to the ARRL's proposal to establish that voluntary band plans should become mandatory band plans and enforced as federal law. I believe this to be bad public policy which serves neither the interests of the public nor the Amateur Radio community.

I was first licensed as a Novice then a General Class Amateur Radio operator in 1955 at the age of 16. Military service, college and a young career temporarily distracted me from activity but I returned to Amateur Radio in 1991. I am active on 14 of the 15 Amateur bands 160m through 23cm, excluding only 33cm. I am involve in many facets of Amateur Radio, preferring CW and

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RTTY but I am also active on digital packet radio and phone especially for emergency and public service communications.

I have been a member of the ARRL since 1991. I think they endeavor to do a good job of representing the interests of Amateur Radio but, on this particular issue, they are just plain wrong. QST is the official journal of the ARRL. In editorial appearing in the November 1998 issue, the Executive Vice President/Secretary, Dave Sumner, asked the rhetorical question, "What is 'Good Amateur Practice?'" No succinct answer is forthcoming. Mr. Sumner further claims that the ARRL's General Council was instructed to seek an FCC declaratory ruling, "in response to members' concerns that purely voluntary compliance with band plans is no longer sufficient". I am a member and I have never express such a concern. Additionally, I don't recall that the ARRL ever polled the membership on this issue.

Professionally, I am an electronics engineer. I understand the meaning of the phrase "Good Engineering Practice" but, I also understand the vagueness of this phrase. One of my professors, Prof. Stone at Oregon State University, once defined Engineering as the application of Science and Technology for the benefit of mankind.

I also think I have a better than average understanding of the meaning of the term "Good Amateur Practice" but, this phrase too, has a certain vagueness about it. I am disappointed and saddened that the ARRL, which had a major role in forming my vision of reality in my younger years, has let us all down in not being able to define "Good Amateur Practice" as impeccably as Prof. Stone. In this matter the ARRL seems to be saying "Good Amateur Practice is observing our Band Plan" and is asking you, the FCC, to make criminals of those who don't.

Where do Band Plans come from? I realize that this is an oversimplification but, I think the short answer is that somebody at ARRL Headquarters made them up. The ARRL with their printing press, and its ability to distribute their dogma, now appears to want to criminalize uses of the Amateur Bands which are contrary to what the ARRL has invented, printed and distributed. The Band Plans seem reasonable but only on a voluntary basis. Since the ARRL's Band Plans seem to be adopted on the approval of the Board of Directors, there are no guarantees that they now contain, or in the future will contain, any input from or the consensus of the Amateur Radio community or even the majority or the ARRL membership.

Every active Radio Amateur has been frustrated and will in the future be frustrated by another operator who does something rude. Not strictly observing the ARRL Band Plans may result in rudeness but, mandating good manners by criminalizing this rudeness is unreasonable. If the FCC really feels that it needs a challenge enforcing good manners, you might try cleaning up the mess on the 11 meter "Citizens Band".

The ARRL in responding to members' concerns, has not documented, at least to its membership, what harm is, in fact, being caused by these rude operators who do not observe the Band Plans. NOT potential harm, we all have good imaginations. What documented real harm is being done which would justify criminalization?

What efforts has the ARRL made to educate the general Radio Amateur population about their Band Plans? We have seen a lot of new people enter Amateur Radio recently who do so without the Elmering and inculturating which, in the past, traditionally accompanied learning the Morse Code. These new people need to be educated and assimilated, not treated like criminals when they

inadvertently use a frequency for something other than the ARRL's intended purpose. Band Plans are not part of the syllabus the new people have been required to study in order to prepare for license examinations and indeed, is not part of the examination. The Band Plan for 2 meters, alone, is sufficiently complex as to defy memorization by mere mortals. Regional differences and Local options will become traps for the unwary traveler who dares to key up on a clear frequency.

The Amateur Radio Service is dynamic. We are on the verge of applying new and exciting technologies to this service. Technologies which did not exist when the Band Plans were conceived. If the Band Plans are imposed through the force of law the effect could be to stifle the growth of these new technologies. What provisions will be made to accommodate change? Without some sort of consensus on how change can be accommodated, I am afraid the fate of the Band Plans will be left to the whims of the ARRL's Board of Directors. While it may be true that the Board of Directors was elected by the ARRL membership, we did not elect them to make laws which, in effect, they are now attempting.

Please do not accept the ARRL's proposal on this matter. I don't think it would be unreasonable to insist that the ARRL poll the Amateur Radio community and get a demonstrable consensus before pursuing this matter further.

Thank you for your patient attention.

Sincerely,

  
L. Raymond Pearl, AA7IH 12 MAY 98