

May 15, 1998

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Federal Communications Commission  
 Office of the Secretary  
 1919 M Street N.W.  
 Washington DC 20554

FCC MAIL

SUBJECT: Objection to RM-9259 / ARRL'S REQUEST FOR DECLARATORY RULING

To The Chief, Public Safety &amp; Private Wireless Division, Wireless Telecommunications Bureau:

Although the case against RM-9259 has been well stated by the publisher of Ham Radio Online, Edward Mitchell (KF7VY) in his objection to RM-9259, I would also like to register my opposition to the ARRL proposal. I have some basis/background upon which to base my objection:

I am a professional (retired) military communications engineer currently employed by Civil Service, also as a communications engineer. I have been an Amateur Radio Operator since 1961 (almost 37 years). I have operated from many places around the world, including over four years in Europe while stationed in the Federal Republic of Germany ("West Germany") while on active duty. I am aware of some of the plans FEMA has for using amateur radio operators and the stations during regional/national emergencies. I am also a proud "Life Member" of ARRL.

I believe that the ARRL has lost perspective of its place in Amateur Radio and has overstepped its bounds in proposing making voluntary band plans mandatory. It is apparent to me as an interested observer that the ARRL, more and more often, is speaking for itself and not the greater body of Amateur Radio Operators it is purportedly representing.

By definition, the Amateur Radio Service (ARS) is "voluntary" and, as such, needs to maintain all the flexibility it has traditionally enjoyed to most fully develop its operators. The ARRL proposal would adversely impact the ARS and its ability to respond by taking away much of the flexibility which has fostered and maintained the growth and development of ARS capability. Traditional levels of expansion of ARS expertise, especially into newer modes and techniques, would be slowed or stopped completely. Operations tailored to specific areas (determined by geography, weather patterns, etc) by Amateur Radio Operators who have lived with their "local" conditions would be severely HAMstrung (no pun intended) by mandatory band plans. Leaving the plans voluntary maintains the flexibility for members of the ARS to adapt to specific situations and conditions, and this adaptability is what has maintained the expertise and usefulness of the ARS as a National Resource over the years.

At the risk of being redundant, I include here the summary included by Ed Mitchell, KF7VY, in his objections to RM-9259, because I agree with his input to a very large degree:

The ARRL's proposal to convert voluntary band plans to mandatory, federally enforced band plans is bad policy and fundamentally flawed.

The proposal moves away from the long-standing tradition by which Amateurs generally select their own frequencies according to their need and in consideration of other operations and voluntary band plans. What's next-assigned channelization schemes for the Amateur bands?

Under the ARRL's proposal, innovation and invention will be stifled. By definition, any new invention does not fall into an existing category of communication and therefore is not likely to be permitted under a mandatory band plan scheme. In fact, per the ARRL's comments regarding TAPR's 1996 request for an STA, the ARRL does not wish to encourage new uses of existing VHF and low UHF bands. The ARRL's proposal locks Amateur Radio into legacy technology. The band planning process today is flawed in that it has no mechanism to encourage the adoption of spectrum-efficient technologies.

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The ARRL's proposal is contrary to official Commission policy for all other radio services; that is to say, to encourage the adoption and deployment of spectrum efficient technology. Under the ARRL's proposal, the Amateur VHF and low UHF bands will primarily serve as a museum of 50 year old FM communications technology, using more spectrum than is required with today's technology. Even low cost narrowband FM, like that used in the cellular telephony's Narrowband Advanced Mobile Phone System (N-AMPS) can fit three users into 30 kHz channels.

Under the ARRL's proposal, such innovations cannot be introduced without getting many committees to agree on their usage.

The ARRL proposal does not provide quantitative data to substantiate the need for this rule change.

The ARRL proposal does not provide a mechanism to establish the precedence of band plans in the event international, national, regional or competitive local band plans overlap.

Under the ARRL proposal, the FCC would recognize voluntary band plans established by "recognized groups" but does not define the term "recognized group". No explanation is given for the mechanism by which a local group becomes accredited to establish policy at variance with national or other recognized band plans. According to Minute 16 of the Minutes of the July 18-19, 1997 ARRL Board Meeting ("NOW, THEREFORE, BE IT RESOLVED, that the ARRL petition the FCC to amend Part 97 of the Rules to incorporate by reference ARRL/IARU band plans"), the ARRL originally intended to propose that the ARRL's own band plan be adopted as the standard for compliance. Therefore, regional and local variances would have been in violation of the Commission's rules.

A mechanism for determining which band plan takes precedence when regional and national plans overlap, is not specified in the proposal. Traveling Amateurs could easily find themselves in violation of the law because they have no mechanism for learning of locally approved variances to recognized band plans.

Converting the flexibility of the existing voluntary band plan and historical Amateur operation of "listen before talking" to a mandatory allocation scheme would likely further entrench the "privatization" of Amateur Radio frequencies into private and restricted use FM-only repeater systems. Oddly enough, this appears to the goal of the ARRL, perhaps because of fear of directly confronting this contentious issue.

The ARRL attempted to drive this proposal through the regulatory process without seeking comment from the Amateur community. The ARRL's request for a Declaratory Ruling, rather than using a normal rule making procedure, was an attempt to push this proposal through without adequate discussion. The procedure used by the ARRL has caused many Amateurs to conjecture that the ARRL has ulterior motives for this proposal that might, for example, benefit primarily the ARRL. Specifically, the FCC has listed on its 1998 agenda that it would like to privatize aspects of Amateur Radio administration. Presumably, the ARRL would be a leading candidate to provide administrative services, under contract to the government.

The ARRL proposal is contrary to the goals set forth in 97.1(b) and 97.1(c).

I respectfully request that the Commission DENY the ARRL request in all respects and make no changes to the existing voluntary band plan schema.

Sincerely



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