Midwest Spectrum Management Alliance, Inc.

6386 Hwy 17 - Plymouth, IN 46563-9464

May 18. 1998

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Federal Communications Commission
Office of the Secretary
1919 M St. NW
Washington, DC, 20554

Dear Sir

Please find enclosed the comment of the Midwest Spectrum Management Alliance, Inc. on RM-9259. Since the public comment period on this Petition for Rule Making runs through May 21, 1998 this filing was made in a timely manner.

We have enclosed 10 copies of our document, that is the 4 required for any formal comment plus 1 copy for each commissioner and 1 extra copy with a self addressed stamped envelope. Please return a file stamped copy or our document to us in the self addressed stamped envelope.

Thank you,

William C. Wells, Technical Chairman
Midwest Spectrum Management Alliance, Inc.
1012 19th St.
Logansport, IN 46947-4504

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
	)	RM-9259
Compliance With Applicable Voluntary	)	
Band Plans in the Amateur Radio Service	)	

Comment in Opposition

By:

Midwest Spectrum Management Alliance, Inc. ("MISMA")
6386 Hwy 17
Plymouth, IN 46563-9464

For the MISMA Board of Directors and Membership, MISMA President and CEO: Wayne Zehner Licensee of Amateur Radio Station WA9INM

To: The Commission

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Summary

MISMA is a membership organization composed of Amateur Radio Service licensees with an interest in the art of relay communications. **MISMA** performs a frequency coordination service for Amateur Radio Service licensees in the State of Indiana. The majority of **MISMA's** Directors and many of the **MISMA's** members are members of the American Radio Relay League ("ARRL"). We are appalled that the ARRL leadership would go so far with this matter without in any way consulting or even informing its membership.

With this Petition for Rule Making the ARRL leadership seeks to establish a "coordination god." Granting this petition would be the first step in this process. The Commission's Rules are very clear currently about who may serve as a "frequency coordinator" and how this "frequency coordinator" is appointed with the definition:

> "Frequency Coordinator. An entity, recognized in a local or regional area by amateur operators whose stations are eligible to be auxiliary or repeater stations, that recommends transmit/receive channels and associated operating and technical parameters for such stations in order to avoid or minimize potential interference.[1]"

In this definition, we can see that it is the "amateur operators whose stations are eligible to be auxiliary or repeater stations," that is amateurs holding an operator license above the class of Novice issued by the Commission. In this definition, we can see that it is the amateur operators of the "local or regional area" not an outside "coordination god" that

appoints the "frequency coordinator." The definition also makes it clear that the activities of the "frequency coordinator" shall be limited to "recommend transmit/receive channels . . . in order to avoid or minimize potential interference."

Here in Indiana the amateur radio community appointed a second "frequency coordinator," The Midwest Spectrum Management Alliance, Inc. ("MiSMA"). MiSMA currently enjoys a level of support that greatly exceeds that of the other coordination organization in Indiana. This support is clearly stated and easily demonstrable. MiSMA has demonstrated that competing coordination organizations can exist in an area without any problems resulting.

Back on October 7, 1995 the ARRL organized a meeting of frequency coordinators in St. Charles, MO. Mr. Ralph Haller of the Commission's staff attended this meeting. In the discussion section of this comment it is clearly shown that this meeting was called under false pretences, that the nation's frequency coordinators were lied to, and that arguments which discredit themselves were presented by several persons with "galaxy sized egos" who lust for power and who want to be appointed as "coordination gods." It was also shown that these persons resorted to lying and threats to advance their agendas.

It was also clearly shown that these persons covet the spectrum used by other mode users, particularly Amateur Television users. These persons have openly advocated using the coordination process to remove these mode users. They have, in fact, "coordinated" auxiliary stations in Texas and other places in a way that has **caused**

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[1] 47 CFR Section 97.3 (a) (21)

interference to these other mode users who were themselves operating in compliance with the Commission's Rules. This would seem to violate the Commission's rules particularly the definition of a "frequency coordinator." It would therefore be improper for the Commission to further empower these persons.

These persons have attempted to deceive the Commission and they have shown gross disrespect for the Commission's Rules. It would therefore not be in the best interest of the Commission nor would it be in the public's interest or convenience to further empower these persons. The ARRL has chosen to support these persons but it is shown in the discussion section of this comment that this support is all about "money and power."

By denying this petition the Commission would serve the public interest. MiSMA therefore calls on the Commission to dismiss this petition with full prejudice. Further, the Commission should reaffirm its current Rules and make the clear statement that there will be no "coordination gods."

Introduction

MISMA is a membership organization composed of Amateur Radio Service licensees with an interest in the art of relay communications. **MISMA** performs a frequency coordination service for Amateur Radio Service licensees in the State of Indiana. The majority of the **MISMA's** Directors and many of **MISMA's** members are members of the ARRL.

In this petition for Rule Making the ARRL has aligned itself with radical elements within the Frequency Coordination community. These radical elements seek to gain

control over all frequency coordination, to set themselves up as "coordination gods," gain the power to remove any mode from a band where it is allowed under the Commission's Rules without a change in those Rules by just altering a private sector band plan. Supporters of this scheme who call themselves "Frequency Coordinators" have already stated publicly that they plan to remove ATV repeaters from the 70-cm band.

Those Frequency Coordinators who publicly oppose the "coordination gods" will be removed as Frequency Coordinators and replaced with a group selected by the "coordination gods" regardless of how the "amateur operators whose stations are eligible to be auxiliaries and repeaters in that local or regional area[2]" feel about it.

If anybody believes that we have overstated this lust for power on the part of this radical element within the frequency coordination community, just consider the material in the discussion section of these comments.

This radical element will stop at nothing to gain the power that they seek. While they have stated their plans publicly, and this petition is a necessary first step in carrying out those plans, they have not stated them in this petition. It seems there is a lack of candor to the Commission. They have also schemed to bypass "The Administrative Procedures Act" with a Request for Declaratory Ruling, apparently intending to avoid the public comment process. Further, if their scheme to eliminate certain modes or emission types from certain bands could be done by the private sector coordination process, that too would circumvent the intent of the "Administrative Procedures Act."

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[2] 47 CFR Section 97.3 (a) (21)

MISMA applauds the Commission's wise decision to treat this Request for Declaratory Ruling as a Petition for Rule Making, and to accept comments from the public. Now the Commission should take the next step and dismiss RM-9259 with full prejudice and reaffirm its rules. Further, the Commission should now be aware of the tactics used by this radical element and it should never allow itself to be duped in the future.

Discussion

Background:

MISMA is a frequency coordinator that has existed in the state of Indiana since August 1, 1996. **MISMA** came into existence at that time due to the consistent poor and incompetent service, corruption, and favoritism shown to a select few by the incumbent frequency coordinator, the Indiana Repeater Council ("IRC").

MISMA came into existence when the officers of the 1995-96 term of the IRC and a few other repeater owners' came together to form a new organization that was free from the problems which beset the IRC. The founders of **MISMA** set as a goal a response of at least 50 to a mailing to all known repeater owners in the state of Indiana asking for support. The evidence of support was an affidavit on a post card that read as follows:

> YES! I would like you to keep working for me, and Recognize **MISMA, Inc.** as my frequency coordinator as per 47 CFR, Section 97.3 (a) (21).
>
> (Please Print)
> Callsign: _____

Name: _____

Address: _____

City, State, Zip: _____

Signed: _____ Date: _____

From that original mailing in little more than six weeks well over twice that many repeater owners responded by filling out, signing and returning the affidavit. In the year and one half that followed that number has grown to 241 making **MISMA** by far the most widely recognized frequency coordinator in the amateur community of the state of Indiana. **MISMA** has almost two and one half time the membership of the IRC based on the IRC membership roster published in the IRC's most recent newsletter[3].

In the time that **MISMA** has been in operation, it has demonstrated that competing coordinators can exist in the same geographic area, coordinating repeaters and auxiliary stations on the same amateur bands, and do so in total compliance with the Commission's Rules; particularly the definition of "Frequency Coordinator" found in 47 CFR Section 97.3 (a) (21):

> "Frequency Coordinator. An entity, recognized in a local or regional area by amateur operators whose stations are eligible to be auxiliary or repeater stations, that recommends transmit/receive channels and associated operating and technical parameters for such stations in order to avoid or minimize potential interference."

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[3] See Exhibit "A"

Attendance at the BOM[4]:

The current Vice-president and the current Coordination and Technical Chairman of **MISMA** served as the Vice-chairman and the Chairman respective of the IRC on October 7, 1995. They were in attendance representing the repeater owners of the state of Indiana at a meeting of the various frequency coordinators of the United States in St. Charles, MO on that date. This meeting has come to be known as and will be referred to herein as the Big October Meeting ("BOM"). Mr. Ralph Haller of the Commission Staff attended this meeting, the BOM.

Extraordinary efforts were undertaken by certain members of the coordination community and certain ARRL officials to discourage attendance by citizens at this meeting, even though the Commission was represented there. Mr. George R. (Dick) Isely, Licensee of Amateur Radio Station WD9GIG (now W9GIG) is the President of the Mid America Coordination Council, Inc. ("MACC"), a consortium of state coordination entities covering about 40% of the United States. Mr. Isely is also the President and CEO of the National Frequency Coordinators Council, Inc. ("NFCC"), an organization that **falsely** claims to represent and "certify" all frequency coordinators. This same Mr. Isely wrote an Email in which he stated the following:

> "I do not think it is a good idea to allow this re-mailer to be accessed by the amateur news media, reps from the manufacturing and sales organizations, or "interested" individuals. We need this forum to exchange ideas without the necessity of having to defend ourselves in

[4] The "Big October Meeting" The Coordinators Meeting arranged by the American

> public. The various Klingons (Amateur Radio news media) and Romulans (other "interested" persons outside the coordination community) will eventually pick up the gist of what is said - but by the time they do, the information will either be out of date, discarded, or agreed upon - so that their observations will not carry much weight . . . I would prefer that the various forms of life discussed above be excluded from the meeting - but this is not really practical. Instead they should be allowed to attend in silence. Lobbying in the halls outside of the meeting is OK, but no comments or suggestions from the floor. This of course means that those entitled to speak will have to have a prominently displayed ID badge of some type listing who they are and who they represent."

The entire text of Mr. Isely's Email is available herein[5]. The foregoing demonstrates that the honesty and openness required by "The Administrative Procedures Act" in connection with any proceeding which will result in regulations which have the force of law has been systematically bypassed by the people which this ARRL petition seeks to empower. This is because, instead of petitioning you to remove certain modes from certain bands, there is the effort to get the FCC to recognize certain "local band plans." Such recognition would accomplish the same ends. Some of those "local band plans" purportedly imposed around the country are not FCC-compatible, and do not include all the emission types the FCC has authorized for its licensees. Under their scheme, licensees who operate their radios in compliance with all the other FCC Rules would be deemed to

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Radio Relay League, Inc. ("ARRL") on October 7, 1995 in St. Charles, MO

[5] See Exhibit "B"

be violators, under such a declaratory interpretation, or similar change in the vague rule requiring "good amateur practice."

The persons affected by everything discussed at the BOM and the public were systematically excluded from any notice, or comment on these matters which will have what amounts to the force of law should the Commission empower these people by granting the ARRL petition. There are very good reasons why "The Administrative Procedures Act" requires notice and comment periods. It has to do with due process. If the Commission grants this ARRL petition then due process rights will have been walked all over.

Mr. Marshal Quiat, the ARRL Rocky Mountain Division Director, called the BOM to order at 8:15 AM CST on October 7, 1995. Mr. Quiat began with the following comments:

> This meeting is about the relationship – the potential relationship between the repeater coordinators and the US Government. Now the reason for it is – those of you – most of you know this better than I – you and I know that 10 or 15 people in any state can create complete havoc by getting together, forming 3 clubs and designating someone as a repeater coordinator and putting up a repeater on 34/94 and 04/64 and so forth and on the other popular existing coordinations. They're legal they can do it. You've got a problem and you don't have an answer. Among other things you need a relationship that gives you that answer. Among other things you're going to have a basis for doing something about enforcement and if

> nothing else you've got to have a basis for protecting yourselves from liability. These are the things that are on the table and are relevant and what should grow out of this meeting. In other words its something for the benefit of you folks primarily. Secondarily it is something which will benefit the FCC which is now a smaller leaner organization with much less time and much less resources to play a major role. That's what we're talking about.

Let's consider Mr. Quiats points one at a time.

First he said that the meeting was about a relationship between the frequency coordinators and the US Government. Such a relationship already exists by virtue of the definition of a "Frequency Coordinator" found at 47 CFR Section 97.3 (a) (21) and the references to "Frequency Coordinator" found at 47 CFR Section 97.201 (c) and 47 CFR Section 97.205 (c). By virtue of these rules a fully sufficient relationship already exists between the frequency coordinators and the US Government to allow these frequency coordinators to perform their function.

As has been demonstrated by the success of **MISMA**, competing coordinators can exist within the scope of the rules, and the rights and privileges granted by the Commission to each amateur licensee.

No government recognized private sector monopoly by ***political*** organizations is appropriate. While Quiat complains about competing coordinators being "legal," his concern is misplaced. His concern should be with any interference caused by ***improper*** **coordinations, whether by competing coordinators, or a single coordinator.** The

policies of **MISMA** have demonstrated that competing coordinators can exist, per the Rules, without causing interference.

Any expanded relationship between the frequency coordinators and the US Government would, in fact, be very dangerous. Favorable action by the Commission on this ARRL petition would be the first step in such an expanded relationship. Such an expanded "relationship" would be with the intent of **shutting down lawful competition**, effectively creating a **trust or monopoly arrangement between the government and certain self appointed and selected, private sector *political* entities.** It would also work to reduce the rights and privileges of each amateur licensee, and the terms of those licensees, to participate as a "Frequency Coordinator." That this is exactly the intent of Mr. Isely, the NFCC, MACC and the ARRL can be seen from the following quotation from Mr. Isely's Email:

> "Whatever voting system is used, it must be agreed to by the majority of the recognized coordination groups present. And **my interpretation of the term "recognized coordination groups" means those groups and individuals facilitating and/or actually doing coordination work - not the wannabes and rogue coordinators that are planning on attending this meeting."**

In other words coordinators such as **MISMA** even though having the clearly stated and demonstrable support of a plurality of the members of the repeater community of a local or regional area will be relegated to wannabe or rogue status because they are not the group that others are used to dealing with.

Second he said that 10 or 15 people in any state could create complete havoc by getting together, designating a frequency coordinator and coordinating repeaters. The "havoc" he describes would already be a violation of the FCC Rules. No new rules are needed to prohibit it (and certainly not a rule that purports to recognize someone's "local band plan.") We know of no place where this has actually happened and endured for longer than a short period of time. The Amateur Radio Service has a long and proud record of self-regulation. Peer pressure has always ended such schemes within a short period of time. Commission action is not required and would, in fact, be unwelcome by most. Here in Indiana this is certainly not what has taken place. When **MISMA**, an organization competing with the IRC, presented itself to the Indiana repeater community, IRC members defected in droves to **MISMA**. This was because of serious unresolved problems within the IRC. Within the Indiana repeater community present support for **MISMA** is approximately two and one half times greater than support for the IRC. **Any** Commission action that would create an expanded relationship between the private sector repeater coordinators and the US Government would have the effect of disenfranchising anybody anywhere who, like the repeater community of Indiana, was dissatisfied with the status quo. We would again point out that favorable action by the Commission on this ARRL petition would be the first step in such an expanded monopolistic relationship.

Third he said that the frequency coordinators need a relationship with the US Government that provides a basis for doing something about enforcement. Paragraph 14 of the ARRL filing seems to show that the existing system with respect to enforcement

works well. This being the case favorable action by the Commission on the ARRL petition is unwarranted. The petition seems to argue with itself.

Fourth he said that the frequency coordinators need a relationship with the US Government to provide a basis for liability protection of the private sector frequency coordinators. In answer to this **MISMA** would point out that since in the present system the frequency coordinators only "recommend" and cannot actually deny anybody the use of a frequency that there is no such liability which the frequency coordinator actually faces. Here in Indiana the "Indiana Rules of Trial Procedure" state that in order to prevail in a civil cause of action the plaintiff must show that the defendant had a duty, breached that duty, that this caused damage to the plaintiff, and the dollar amount of that damage and that all four of these elements must be addressed. Most other states have a similar provision in their trial rules. Under the current Commission Rules and the current interpretation of those rules a frequency coordinator would in fact be shielded from liability by such trial rules. Any action by the Commission that expanded the relationship between the frequency coordinators and the US Government would, in fact, expand the frequency coordinator's liability exposure unless the Commission also preempted all state and local adjudication of such liability claims. This would invalidate provisions of State Constitutions that guarantee a right to trial by Jury of such disputes. Does the Commission really want to place itself in that position? Is the ARRL willing to accept such a position? Favorable action by the Commission on this ARRL petition would be the first step in such an expanded monopolistic relationship.

At 8:25 AM Mr. Ralph Haller of the Commission Staff began speaking to those assembled at the BOM. Mr. Haller began with the following comments:

> I'm taking the opportunity to be with you today. And I'd particularly like to thank the League for putting this meeting together. I'd like to set the stage by saying that I'm not looking at the frequency coordination process in this country as being broke or broken. Rather it's a system that's worked very well for several years with relatively few problems. Hundreds of dedicated people work every year to make sure that the process continues to work. So if the process is working just why are we here today? ... So that brings us to the question of trying to evaluate the system that we have in place and provide any minor changes that will help strengthen that system. That's why we're here, not to fix a system that's in trouble but to make a very well oiled system work even better.

Now let's consider Mr. Haller's points.

Mr. Haller made the point that the existing frequency coordination process was not "broke or broken," it was a "system that's worked very well for several years with relatively few problems." He also made the point that the present system is "not in trouble" but is, in fact, "a well oiled system." This being the case, why does the present system need **any** modification? The answer, of course, is no modification is necessary or even desirable. Our best advice to the Commission is to follow the old proverb that states: "If it's not broke, don't fix it." Favorable action by the Commission on this

ARRL petition is only the first step in major unwarranted changes in the present system. Accordingly, the Commission should deny the ARRL petition.

At approximately 10:47 AM during the question and answer session at the BOM the following exchange took place concerning the scheme called a single point of contact ("SPOC"):

> Steve Wilson, WB9SHY, IRC Vice-chairman (Now **MISMA** Vice-president): "Simple Question. Did the FCC, Yes or No, request a single point of contact."
>
> Ralph Haller (FCC Staff): "No. We did not request it. But it is an option that is on the table. I think that there are, frankly, some advantages to it. But there are disadvantages to it as well. Ah – It is a model that we use in other services. If it doesn't fit in the Amateur Service so be it. But – ah – was there an official request from the FCC that there be a single point of contact I would have to say that the answer is no. There has not been any kind of official request."
>
> Bill Wells, WA8HSU, IRC Chairman (Now **MISMA** Technical Chairman): "That being the case your statement seems to run 180 degrees out of phase with what some members of the host organization [The ARRL] have been posting on the Remailer."
>
> Ralph Haller: "Well, I'm not going to get into that. I have not been on the remailer. I don't know what has been said. I can only tell you that this is a process to look at what's out there. I've been to a number of different conventions. People have come up to me and said, 'We'd like to see some

changes,' and this is an opportunity to decide whether there are any further options."

Steve Wilson: "The agenda sheet that was passed out when we came into the room, the very first point on it reads, "Discussion and decision response to FCC request that it be provided with a single point of contact with the coordination community. I feel that I've been misled."

Marshal Quiat, AG0X, ARRL Rocky Mountain Division Director and meeting Chairman: "Well I apologize for that because that is not what it should have said. And there has been nothing from the committee on the remailer. Not anything. The committee has not participated on the remailer at all."

From the floor: "Can we move on. We've wasted a lot of time."

Marshal Quiat: "Ralph said I shouldn't put him in the position of standing up here and answering more questions. I'm not going to refer every question to him. But I think his position here is now clear. And if the statement in that poop sheet says that a response, a response to a request from the FCC that is a mistake. It's not correct."

From the floor: "What should it say?"

Marshal Quiat: "What should it say? How do you feel about the technique of a single point of contact?"

Mr. Quiat's assertion, "And there has been nothing from the committee on the remailer. Not anything. The committee has not participated on the remailer at all." Is incorrect. The Email from Steve Mendelsohn to the Coordinators Remailer[6] contained the following signature lines "-73- Steve Mendelsohn, WA2DHF ARRL Hudson Division Director Member, AdHoc Repeater Committee." So the committee **did** participate in the remailer. This Email also contained the same agenda that was passed out at the meeting. From this exchange it should be clear to everybody that the ARRL ***KNOWINGLY LIED*** to the Frequency Coordinators and Marshal Quiat ***KNOWINGLY LIED*** during the meeting in an attempt to cover up the first lie. The nation's frequency coordinators were therefore gathered to that meeting in St. Charles, MO under completely false pretences. This kind of activity would be criminal under "The Administrative Procedures Act." The only reason why the ARRL is requesting a declaratory ruling rather than petitioning for a change in the rules is that this skirts the requirements of "The Administrative Procedures Act." The Commission should distance itself from everything that resulted from this bogus meeting: This petition from the ARRL, the so-called National Frequency Coordinators Council, Inc. ("NFCC"), all of it. **Their course of conduct is an attempt to *dupe* the Commission into furthering an unstated secret agenda of those who lust for power over their fellow Amateur Radio Licensees, indulge the galaxy sized egos of certain NFCC officers and bypass the protection of "The Administrative Procedures Act."**

The only people who seem to want these changes are the ARRL leadership and certain members of the coordination community who are in leadership positions in the

NFCC. To see why the ARRL would want to gain increased control of repeater coordination one only need consider a key source of funds for the operation of the ARRL. It is through book publication and the single most profitable product that they have is "The ARRL Repeater Directory." ***So this whole thing is all about Money and Power.*** To gain some insight into the reasons why certain members of the coordination community would want to gain increased control over repeater coordination it is helpful to consider what they say to each other while planning such schemes.

Coveting the Spectrum Used By Other Mode Users:

Many of the nation's repeater coordinators have a forum for discussion of these issues on an Internet remailer. Repeater coordinators like **MISMA** who are not considered "politically correct" are excluded from this remailer but we have friends who leak some of the proceedings to us.

For several years some of these coordinators have coveted the spectrum in the 70-cm band which has been used by the Amateur Television community. Back in 1995 MACC passed a resolution calling for the end of Amateur Television on the 70-cm band by January 1, 2000. The implication was that the "coordination" process would be used to so crowd the spectrum with other modes, such as Narrow Band FM, so that it would be impossible for licensed amateurs to use ATV repeater modes (and perhaps other modes). Such an improper use of "coordination" would violate the Commission's Rules, particularly the definition of a "Frequency Coordinator." During the time when the **MISMA** Coordination and Technical Chairman and Vice-president served as IRC

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[6] See Exhibit "B"

Chairman and Vice-chairman they represented the IRC at the 1996 annual meeting of MACC in April 1996 at Dayton, OH. During this meeting they argued that the MACC ATV ban should be rescinded. While they were unsuccessful in getting MACC to rescind the ATV ban totally they were successful in getting it modified from an out right ban to a statement that ATV should be "actively discouraged" and the sunset date was eliminated.

The use of the "coordination" process to "actively discourage" the use of a Commission designated mode on a band is improvident, and purports to interfere with the rights and privileges of individual amateurs, per the terms of the license issued by the Commission. It also violates the Commission's rules by failure to uphold the definition of a Frequency Coordinator contained therein.

That this is one of the ulterior motives behind the desire for increased power on the part of some of these coordinator entities can be seen from the following Email that was sent over the "secret" coordinators remailer:

> From "Gary Hendrickson" , on 4/28/98 1:32 PM:
> To: smtp@Campus.serv@RSC[]
>
> So what else would you expect from Henry Ruh?
>
> Henry does make a good point, however. WE should ALL file comments with the FCC on the ARRL's petition, as Henry suggests. And in our comments we can, if we choose, encourage them to give priority to locally adopted band plans over "national" plans.
>
> One final thought, however, is that IMHO, we should all be sure that our local band plans do provide for all FCC-legal emission types (including ATV), so that if it should happen that the FCC comes a-knockin' at our door wanting an explanation as to why some ATV'er is complaining to them that the local band plan "prohibits" him from operating on ATV, we

> will be able to show that our band plan DOES make provision for him, thus blunting his complaint.
>
> 73, Gary
>
> This message sent by Gary Hendrickson to the Coordinator mailing list. Replies will default to the sender of the message. For help with the Majordomo mailing list server, send a message to Majordomo@cs.tamu.edu with HELP as the only line in the message body[7].

From this Email it can be clearly seen that some of these coordinators want to remove ATV from the band in violation of the Commission's Rules and in the process they **want to deceive the Commission**.

It is not sufficient not to "prohibit" ATV or ATV repeaters. It is required that this emission type be included in the coordination arrangements so as to "avoid or minimize potential interference," per the Rules.

This does not end our concerns. There are other things that those who are pushing for this increased power in the hands of the ARRL and certain individuals in the private sector coordination community are trying to accomplish. There is no misunderstanding here. In both email and remailer correspondence it has been explained by Mr. George R. (Dick) Isely, W9GIG, the President and CEO of NFCC, Inc. that the NFCC plans to establish bandplans, set coordination standards and eventually charge various fees or remuneration to cover it's (NFCC's) expenses for all the wonderful things it intends to "do" for us. It is the NFCC's intention to propose a new rule that would establish them as the sole organization through whom frequency coordinators can be "certified". If any

[7] We understand that the Internet service at "cs.tamu.edu" is provided by Texas A&M University in College Station, Texas. This is a public University, owned by the taxpayers of the State of Texas.

group fails to follow whatever rules they dictate, the NFCC would purport to "de-certify" that group and appoint another to represent that area. This would be done regardless of the wishes of the amateurs in that "local or regional area[8]" directly affected by the change. Some Coordinators have already been threatened with "non-recognition" for being outspoken opponents of the NFCC's proposed policies. Until the NFCC can convince the FCC to appoint them as the "coordination god", such threats have no real meaning and only serve as an irritating, arrogant affront to the rights of Amateurs, per the licenses issued by the Commission.

What about the concept contained in the Commission's rules in the definition of a Frequency Coordinator (47 CFR Section 97.3 (a) (21)) that it is the Amateur Radio Licensees of a local or regional area themselves who appoint and recognize a Frequency Coordinator and not some outside "coordination god." With this proposal the ARRL seems to already view itself as such a "coordination god," constructively in violation of the Commission's rules. In the story, "League Inaugurates Arbitration Service" in "The ARRL Letter" Vol. 17, No. 15 dated April 10, 1998 the ARRL states the following:

> " . . . In disputes involving frequency coordination, the ARRL has reserved sole authority to designate the appropriate responsible coordinating organization[9]"

thus establishing itself as such a "coordination god" in violation of the Commission's rules. **MISMA** calls upon the Commission to uphold it's own Rules here and to remind the ARRL that it (the ARRL) is a private sector entity, not such a "coordination god."

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[8] 47 CRF Section 97.3 (a) (21)

Further, **MISMA** calls on the Commission to resist the efforts of those who want to be appointed as a "coordination god" through the subversion of the Commission's rules by RM-9259 or the direct assault on those rules by any future Petition for Rulemaking.

Recently, the NFCC tried to pass a set of guidelines that would significantly increase the amount of information supplied to them in the process of repeater coordination. If, as they say, they do not intend to involve themselves directly in the frequency coordination business, why are they already trying to setup such guidelines?

Better yet, when the proposed guidelines failed to receive enough votes for approval, the NFCC leadership (Dick Isely, Owen Wormser, etc.) immediately proposed an amendment to their bylaws that would reduce the number of votes required to pass the bylaws. It seems that the NFCC's leadership is determined to enact the guidelines despite the disapproval of many of their own members.

Even if the NFCC truly left the individual states alone and concentrated on providing a so-called Single Point of Contact ("SPOC") with the FCC we would still oppose them.

Most in the coordination community have not being told what the NFCC plans to do. The NFCC's leadership has constantly evaded direct questions. They distribute information on their intentions while simultaneously attempting to pass a piece of legislation that directly contradicts their own representations. They frequently remind individuals listed on their "secret" remailer that everything seen on it ***IS*** secret and cannot

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[9] See Exhibit "C"

be revealed to anyone else. If they were truly straightforward in their intentions, why all of the secrecy and evasion?

We understand the same Dick Isely traveled around the country and openly advocated coordination of narrow band FM on certain UHF frequencies that can only be used by ATV repeaters (a mode provided by the Commission's Rules for use on the 70-cm band). That kind of activity would not meet the Commission's requirements in the definition of a "Frequency Coordinator," 47 CFR Section 97.3 (a) (21). This is because "Frequency Coordinators" are limited to "recommending transmitting/receive channels... **in order to avoid or minimize potential interference**." [Emphasis Added] A purported "coordination" of an auxiliary or other transmission on top of a repeater[10] just wouldn't qualify, per the definition. Sorry Dick, the public was listening.

It is not too much to ask that the people who purport to lead coordination councils, or other important functions in this hobby, obey the Commission's Rules and tell the truth? Local coordination councils Such as the IRC have become subject to political take-overs by those who want to get various special treatments for themselves. That is wrong, also and is what led to the creation of **MISMA**. It is unfortunate that efforts to create a "level playing field" in the IRC that had had significant support here were not successful. But it seems that the program offered by Dick Isely and his crew does not offer the answer, either.

[10] Such as an ATV Repeater