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JUN - 4 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

Reply Comments in Opposition

By:

William C. Wells
 Licensee of Amateur Radio Station WA8HSU
 And holder of GROL # PG-19-19109
 And former holder of P2-19-11796, P1-19-16720, P1-19-23030,
 And P1-19-31448
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To: The Commission

In comments on his own Petition for Rule Making the General Council for the American Radio Relay League, Inc. states that the Commission Staff has "mishandled" his pleading. We do not believe that there has been any mishandling. The Commission receives all manner of communications from the public that are subsequently designated as petitions for rule making, even though they may not be originally labeled as such. Arguably, however, if there has been any "mishandling" of this request it is that the Commission Staff did not immediately throw it into the trash.

Your petitioner states that the handling of his Request for Declaratory Ruling was "extraordinary." He is not correct. On May 18, 1998 the Common Carrier Bureau treated the Request for Declaratory Ruling by Connie L. Smith (DA No. 98-945) as a Petition for Rule Making. Since there is similar treatment of another pending proceeding, the undersigned can not be persuaded by the petitioner's argument. The Commission must have authority to organize these submissions in an orderly manner, and is now doing so in these cases, by designating them as petitions for rule making. This is particularly appropriate in this instance, as the rule that is the basis of the action is, on its face,

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unconstitutionally vague. A Vice President of the petitioner's organization has been quoted as making the statement:

"We all know what 'good operating practice' is, don't we? It's whatever we want it to be at the time."¹

With this petition, we start with an existing rule that is so vague and general, it is not possible for a licensee to understand what he is either required to do, or to refrain from doing. So, when a request such as this is submitted, it is only appropriate, given that vague construction, for the request to be designated as a rule making. Such a request is, on its face, therefore, a defacto rule making petition.

Your petitioner argues that his pleading is "misunderstood." It seems the reason why he believes that it is "misunderstood" is because the quantity of comments from the public have been so lopsidedly against it. The participants, who have submitted comments in opposition are respected, accomplished leaders in their own right, with years of honorable participation in amateur radio. Some of them represent large organizations of amateurs, whose investment in the service deserves the attention of the Commission, as well as the proper attention of those who currently occupy offices in the ARRL.

Much of your petitioner's comments seem to demonstrate that their request is moot. There is not one specific example of how the existing rules do not already cover the problem they perceive. There is not one specific example of how the Commission would react differently to a complaint under the request, if it were adopted as proposed, or not adopted. There is not one specific example of an enforcement that should have been carried out that was not, because of the absence of the proposed "declaratory ruling."

What we seem to have here is a waste of time and an imposition on other individuals and groups of licensees who have found the need to file comments. The petitioner's organization seems to be "over-lawyered." The time of the Commission's staff should be allocated to other urgent matters.

As I stated in my prior comments, the request of the American Radio Relay League, Inc. should be dismissed with full prejudice.

I do not know if you have received any comments from George R. Isely, licensee of amateur radio station W9GIG. I have not received a copy of them. In the comments by the Midwest Spectrum Management Alliance, Inc. [available on the Internet at the following URL: <http://www.misma.org/paper.rm9259.pdf>] which were filed with the Commission on May 21, 1998 it is clearly shown that

¹ ARRL First Vice President Steven Mendelsohn at the Dayton Hamvention at Dayton, Ohio, May 17, 1998

Mr. Isely has resorted to lying to advance his own political agenda and has violated the definition of a "Frequency Coordinator" found in the Commission's Rules at 47 CFR § 97.3 (a) (21).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William C. Wells", written over a horizontal line.

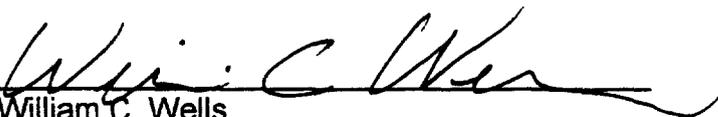
William C. Wells, WA8HSU

June 1, 1998

Certificate of Service

I hereby swear that a copy of the foregoing was served on the American Radio Relay League, Inc. by USPS First Class Mail addressed to their General Counsel at the following address:

Christopher D. Imlay
Booth, Freret, Imlay & Tepper, P.C.
5101 Wisconsin Avenue, N.W.
Suit 307
Washington, DC 20016-4120


William C. Wells
June 1, 1998

Certificate of Service

I hereby swear that a copy of the foregoing was served on George R. Isely by USPS First Class Mail addressed as follows:

George R. Isely
736 Fellows St.
Saint Charles IL 60174-3835

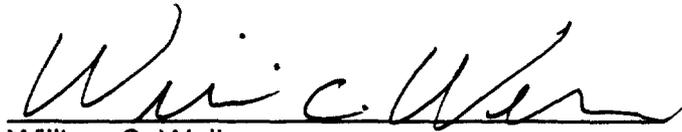
A handwritten signature in black ink, appearing to read "William C. Wells", written over a horizontal line.

William C. Wells
June 1, 1998

Certificate of Service

I hereby swear that a copy of the foregoing was served on the Midwest Spectrum Management Alliance, Inc. by USPS First Class Mail addressed as follows:

MiSMA, Inc.
6386 Hwy 17
Plymouth, IN 46563-9464

A handwritten signature in black ink, appearing to read "William C. Wells", written over a horizontal line.

William C. Wells
June 1, 1998