

before the

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

**REPLY COMMENTS IN OPPOSITION**

**In the Matter of:**

Request for ruling by ARRL that "band plans" )  
should be interpreted as good amateur practice )  
and failure to follow a band plan would be a violation. ) **RM: 9259**

Should the FCC endorse or specify a band plan for amateur service? Should there be a national band plan for each ham frequency? Should there be priority based on national plan or local plan? Should a national organization be in charge of enforcement of FCC rules? Should the FCC delegate the control of spectrum management to a narrow group of individuals who self proclaim their right to establish and enforce a "band plan" which was not generated with the input and accommodation of modes other than narrow band FM? The answer to all of these questions is NO.

Despite hundreds of pages of comments the core issue boils down to this:  
The ARRL on behalf of its protege' NFCC, wants to have legal clout to enforce band plans. But there are several groups which have been purposely disenfranchised from the process by NFCC/MACC and Dick Isley and ARRL. There is no "official" band plan for any of the bands except that contained within the FCC's rules pertaining to emissions and space communications. The ARRL band plans as published in the ARRL repeater directory are not perfect, but have served the ham radio community well. Many state frequency coordinators, especially Illinois and other MACC affiliated states, have already stated their refusal to recognize, respect or include certain modes, mostly television, and have refused any effort to create a technically compatible plan for all users. Therefore, there is a serious cart before the horse situation. ARRL, the petitioner, requests that the FCC endorse "band plans" before there is a bonafide official, agreed to, FCC compatible band plan. We should in effect buy a pig in a poke. ARRL has refused and NFCC has stated their hatred, to make any public or private affirmation that all FCC legal modes would be accommodated, respected and protected in the band plan creation process. Only in southern California has the local ham group agreed to a gentleman's agreement in which all parties must be accommodated and all must agree before a band plan is acceptable. Hats off to SCRUBBA in that respect. Many other frequency coordinators also do good work, but these are often short lived positions, with the policy of the group dictated by the persons on office at the time. There is no continuity and no guarantee of following FCC rules, as clearly detailed in other comments filed. There are numerous examples of where NFCC/MACC frequency coordinators have refused to recognize existing band users, have refused to "coordinate" users they do not like, and have purposely placed systems to interfere with their political adversaries, in clear violation of the FCC rules.

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The non FM band user representatives have been consistently lied to and misled by Dick Isley, NFCC and ARRL, documentation for which abounds in the comments filed. Therefore, there are a multitude of persons and groups opposed to the ARRL being able to create law where non exists, and opposed to the ARRL's arrogant and disrespectful manner in taking a back door approach to law creation in asking for a declaration, instead of a rule making procedure, that the FCC was correct to create.

The ARRL does not have a consensus. NFCC cannot even get a consensus of its own members, and changes the rules to suit their own goals. Members of the NFCC have clearly indicated that their plans are to be shams, to be quickly discarded, or simply ignored after they gain legal status. The petty politics of Dick Isley, the Illinois Repeater Association, MACC and NFCC are so blatant that they defy denial.

The NFCC has only personal political and financial goals. They have no interest in working with other mode users to reach a mutually acceptable accord. They expect to receive thousands of dollars in fees from hundreds of state and local "frequency coordinators" in exchange for "recognition." The FCC rules clearly state that to be a FC, requires only recognition by the local users. Additional recognition by NFCC or ARRL is not required to function properly under the FCC rules. Further, "recognition" by NFCC and ARRL means violating FCC rules and being under the thumb of these umbrella organizations, without actual reward, appeal or due process to make changes.

There is no benefit stated or promised or even hinted by the ARRL's request, and none would be forthcoming. The only group benefitting from an action on this request is the financial interests of NFCC and ARRL, neither of which would be in the public interest.

Several commenters have noted in e-mails that they have not received any service of comments from ARRL or NFCC or Dick Isley.

## **CONCLUSION:**

The motion by ARRL should be dismissed with extreme prejudice. Before any such rule can be made, there must first exist a national band plan that accommodates all FCC legal modes and band users. Further it must be agreed to by representatives of all modes. Lastly, it must be flexible enough to allow change when change is needed, but with the approval of all mode and user groups. The non NFCC user groups will only be satisfied when all modes and users are respected and included, or the NFCC is disbanded.

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