

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Part 97 of the Commission's) **RM-11759**
Amateur Service Rules for a Permanent,)
Reserved Allocation for Automatic Data Systems)

To: Chief, WTB
Via: Office of the Secretary

COMMENTS FILED IN OPPOSITION

The company behind this Petition has failed to demonstrate a compelling need for the FCC to establish an allocation for automated digital communications systems, which do not enjoy widespread popularity among radio hobbyists regulated under Part 97. Please REJECT this Petition as unfounded.

Background

Petitioner, ARRL, is a small, non-profit publishing association that holds only 20 percent of the federally-licensed radio operators in the U.S. eligible for full subscriptions to their magazine. Its surveys of operating trends and interests are typically limited to input from its subscriber base, and exclude the broader majority of operators who would be affected by Petitions such as this.

In the instant case, Petitioner has provided no data on actual use patterns to confirm or dispute its assertions about band utilization among various modes and activities. Moreover, the club has not identified any actionable complaints to support its filing which seeks to change an educated decision by the FCC that has been in place for more than ten years.

Automatic Data Systems

Petitioner has identified as "the most substantial adverse effect" of the Agency's actions a decade ago as relating to a type of operation generically called "Automatic Data Systems." The ARRL has been a leading proponent of one such system known as Winlink, which uses a store-and-forward infrastructure for messages among operators.

COMMENTS of Paul Courson, WA3VJB

Winlink has suffered from considerable controversy since its creation that pits users against bystanders who question whether such communications match the mission and spirit of the Amateur Service.

In a telephone interview I recorded with permission more than ten years ago as part of hobbyist story coverage for Amateur Radio Newslite, Winlink's founder, Steve Waterman, K4CJX, acknowledged he had instructed his users to disable a listen-before-transit function intended to make sure a frequency was clear before these automatic data transmissions could ensue.

Waterman told me he suspected those opposed to Winlink were deliberately creating signals to inhibit its use.

Petitioner, ARRL, now comes before the FCC seeking a permanent, reserved place for this and other automatic data systems that may follow.

The FCC, in its wisdom, has consistently denied Petitions to impose regulatory segregation on hobbyist modes and activities in our service that includes unchanneled, mixed signal types. Voluntary band planning to array activities in a Least Restrictive Environment has always won the most support. Settling sandbox squabbles over the use of our allocations has traditionally been up to licensees, or else actionable under existing rules regarding interference.

There is a separate, unresolved question as to whether automatic data systems belong in the Amateur Service at all. Messages originated are not policed against content prohibited in our non-commercial service, and the friction historically generated by interference has left operators frustrated that they can neither identify nor argue with the perpetrator.

Meantime, most digital forms of communications remain permitted under Part 97, supporting the ARRL's internal agenda to promote these modes.

COMMENTS of Paul S. Courson, WA3VJB

CONCLUSION

Absent any showing by Petitioner that a significant portion of the licensed radio hobbyist community has been denied privileges afforded by their license, the FCC should consider *stare decisis* its longstanding aversion to change Part 97 without cause.

Please consider these Comments as timely filed.

Signed,

/s/

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