

Comment of Charles Young KY5U
Regarding: RM-11769

1. The petition fails to prove that data mode use on amateur radio has increased enough to make changes in the allocation tables.
2. In most cases, Morse telegraphy in the form of carrier wave (CW) restricts itself to the bottom portion of each band. On 40 meters for example, most CW activity falls below 7050 khz allowing the largest portion to be used by data modes.
3. Data modes are notoriously bad neighbors to other modes as shown by automatically controlled data stations (ACDS) that use Pactor modems for email. The FCC has turned blind eye to their operation without any ability to do busy detection. These stations also can send unattended encrypted messages in violation of the rules.
4. Some data modes in current use violate rules for transmitting voice in the data bands.
5. Subjective chatter that the amateur radio operators are going to digital in large numbers are just that, subjective. The best data available says 2% of amateurs use digital modes with 10% favoring CW.
6. Data modes used by amateurs are necessarily behind the times due to the limited bandwidth available to all amateurs. At some point quickly the need of 2% of amateurs to do digital modes will supplant the 98% who do not.
7. Current rules by and far do a good job of accommodating all of the various non-voice modes. The most popular data modes use 1khz of spectrum (PSK, JT65) Changes are not necessary as even a cursory scan of the bands will prove.
8. Within our community, there is a group of amateurs associated with the ACDS used for getting email by amateur radio who are upset because they cannot use wide band modems.
 - a. These amateurs comprise less than 1% of all users yet seek to use larger and larger band segments.
 - b. There are commercial services available that provide email service so in reality their existence violates the rules.
 - c. As mentioned before, these stations purposefully ignore traffic already on the air by choosing not to use the modem busy detect function.
9. Be aware that the ACDS proponents now control the digital committee of the ARRL as well as some staff. This allows the ARRL to present issues that benefit the few at the expense of the many. The Commission will see more and more petitions seeking to strip away spectrum from CW and analog voice users for the benefit of a small number of users. While this petition is not from the ARRL, it is one of many the FCC has seen and will see as impatient data users want more bandwidth at the expense of more popular modes.
10. Until the Commission is ready to consider the entire Amateur Radio Service spectrum allocation for the future, it serves no regulatory purpose to grant piecemeal petitions that eat away at the current structure whether filed by individuals or the ARRL.
11. The FCC has unaddressed enforcement issues on 80 meters, 40 meters, and 20 meters on frequencies such as 3843kHz, 7200kHz and 14313kHz at this time. Significantly changing the rules will unleash an enforcement nightmare whether the change effects CW or the zombie issue "Regulation by Bandwidth".

In Conclusion, I request the the Commission DENY this petition. There is no doubt digital supporters are organized and can "out comment" legacy mode users. Still a simple scan of the bands will show that digital modes are still only a small portion of amateur use and as such deserve no more spectrum.

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Signed Electronically
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