

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of RM-11769 PETITION FOR RULE MAKING; also 11708, 11759

Amendment of Part 97 of the Commission's

Amateur Radio Service Rules to Facilitate

High-Frequency Data Communications

To: The Chief, Wireless Telecommunications Bureau

Date: June 9, 2016

From: Janis A. Carson, AB2RA, Extra Class Amateur Licensee, licensed first as Novice in 1959, General in 1960, and Amateur Extra since 1970.

BACKGROUND:

1. ARRL has another open filing with the FCC concerning DATA operation on the amateur HF bands. FCC has not yet acted on this proposal, RM-11708. That proposal has some troubling ramifications when coupled with this new RM-11759 proposal to expand the CW/Data segment by 50 KHz on 80 meters. The most significant complications of this result from Automatically Controlled Digital Stations (ACDS) and the frequencies allowed for that mode. These ARRL proposals, and the Whedbee proposal RM-11769 are all in some ways redundant and related. If consideration is given to any of them, they should ALL be dismissed until the problem of incompatibility of new proposed Pactor 4 bandwidths and the like are assessed properly by the FCC. To make matters worse, the operations of automatically controlled digital stations outside their authorized band segments as well as commercial use of amateur radio in these modes needs to be investigated. Proof these claims will be provided later in this filing.
2. The intent of RM-11759 is alignment of USA based ACDS stations with the international assignments on 80 meters. It also gives some breathing room to CW and narrow band data modes on 80 meters. While I am reluctant to relinquish voice privileges, this current ARRL proposal is less Draconian than the one they were promoting in their earlier HF band plan. That one would have had a very bad impact on other HF bands, especially 40 and 20 meters. CW and narrow band weak signal (digital) modes would have suffered if that had been implemented.
3. RAC (Canadian Amateur organization) Band Planning Committee has strongly objected to the ARRL proposal for its impact on 40 and 20 meters. Canadians are not in favor of the 80 meter expansion either. See:
<http://wp.rac.ca/rac-comments-on-arrrl-proposed-changes-to-us-hf-band-plans/>.

I request that the FCC dismiss RM-11769 without further consideration, due to the following reasons:

1. Whedbee asserts that the current FCC rules provide certain HF frequencies for the exclusive use of CW. This is false. The person filing this petition perhaps can write a legal document, but he has not researched the subject sufficiently to provide a coherent plan of action. (There are two "exclusive CW" segments on 6

meters and 2 meters; these are provided for weak signal work which would be destroyed by other types of transmissions.) There are NO HF "privilege restrictions limiting any part of the amateur radio spectrum to the use of CW/Morse Code radiotelegraphy to the exclusion of other emission modes" as he asserts.

2. Whedbee asserts that the HF band Novice/Tech privileges on 80, 40, and 15 meters are "exclusive CW" band segments. That is also false. Novice and Tech operators can only use CW in the CW/RTTY/DATA band segment assigned to General class and higher.

3. In fact, CW is legal on ALL amateur frequencies. For instance, this allows a SSB contact in the Phone/Image band segment to switch to CW if needed to maintain communication in event of bad conditions.

4. CW is commonly used in the VHF and UHF bands to identify automatic repeater stations using FM. Even commercial FM business band repeaters frequently use CW to satisfy FCC identification requirements. It is still commonly used on RTTY signals for ID. IT SHOULD BE REQUIRED FOR ID ON PACTOR AND ACDS SIGNALS which are functionally encrypted to anyone attempting to monitor the content or identify the stations.

5. Retention of legal CW operation as it is currently practiced is not solely for "nostalgia" reasons, as Whedbee asserts. It serves a useful purpose of allowing communication under conditions that might not allow transmission of information on voice. Complicated equipment may not be available for use in an emergency. Even if it is available, the computers and modems may consume too much power to stay on the air as long as a simpler operation might, when running off the grid on batteries or solar power in the event of a disaster.

Besides the abundant errors in the Whedbee petition relating to CW operation, both Whedbee and ARRL seek to grant additional license privileges to existing and future Novice and Technician class licensees without additional testing. I disagree with this proposal for the following reasons:

1. The Novice class license was created in 1951 as an entry level license with only CW privileges on HF. Voice privileges were available on VHF only. NO DATA PRIVILEGES were granted to Novice class licensees by this one year non renewable entry level license. In 1978, the Novice class license was altered to 5 year renewable, similar to all other classes. In 1978, voice and data privileges on 28 MHz were allowed for Novice class for the first time. Testing at that time for DATA privileges was on a very elementary level, primarily for keyboard to keyboard use. In 1990, Technicians who also passed a 5 WPM morse code test gained Novice privileges also, the first time Technician class licensees had any HF privileges.

2. All of this was done to increase participation in amateur radio, but it did not significantly change the downward arc of number of licensees. In 2000, the FCC no longer issued the Novice and Advanced class license, but existing licensees could renew under a "grandfather" arrangement. There are only about 13,000 Novice licenses as of 2014. As they age, this number will disappear completely.

3. In 2006 FCC deleted all code testing requirements for amateur radio operators. This dramatically changed that situation, and the number of amateurs has increased ever since. Also, the movement of amateurs in the lower classes of licenses to upper tiers increased as the 13 WPM and 20 WPM code barriers were removed. People were willing and able to study to learn new technical material to participate in the hobby at an advanced level, which was the intent of Incentive Licensing, as conceived by the FCC over the years.

4. I specifically request that existing Novice Class licensees NOT be granted NEW DATA privileges on HF bands (80, 40, or 15 meters) until they pass a test verifying

60002209792.txt

their competence to employ the more advanced modes which have become available subsequent to their test before 1978 or earlier. Seriously, 40 years have seen a lot of change in operating technology. I question the wisdom of allowing someone tested in 1978 or earlier the opportunity to set up an ACDS digital station with world wide coverage, or even to interface with such a device. I do not comprehend how granting these new data privileges will increase the number of amateurs, because the FCC is not issuing any more Novice licenses. It is also unlikely that enacting RM-11759 as currently written will encourage any of the existing dormant Novice class licensees to upgrade, after 40 years of inactivity. There is a way to obtain data privileges. Its called a General class exam.

5. Since its inception in 1951, the Technician class license was intended for VHF/UHF experimenters or radio control models or local communicators. Even as late as 2000, no HF privileges were included in the Technician class license. In 2006, with the elimination morse code testing, existing Technicians were "grandfathered" into the so-called Tech Plus, and gained 10 meter voice and data, but no other HF phone or data privileges. It should be noted that for half of the 11 year sunspot cycle, 10 meter propagation modes are primarily similar to VHF frequencies. Technicians have not shown proficiency by means of a test covering the data technology currently in use on the HF bands which can provide world wide communication (or interference).

6. I specifically request that existing Technician Class licensees NOT be granted NEW DATA privileges on more HF bands (80, 40 and 15 meters) until they pass a current question pool test verifying their competence to employ the more advanced DATA modes and HF techniques. This is within their existing level of demonstrated competence. I believe that if they wish to operate above that level, they should study the current question pool for General and take a test.

7. In particular, I object to Novice class operators who have not been tested for 40 years connecting to an ACDS station via HF radio. I also object to Technician class licensees doing so, since their testing traditionally has covered VHF methods, not HF techniques.

8. I specifically request that neither Novice nor Technician licensees are authorized by FCC to set up or operate an ACDS DATA station on any HF band below 10 meters.

The use of wide bandwidth digital transmissions, particularly in Automatically Controlled Digital store and forward internet email service has been problematic, even under the current regulations. Before FCC extends even more bandwidth and amateur spectrum to this use, FCC needs to address the enforcement problem it presents and solve it before it proliferates to an unmanageable level. My objection to this situation applies to all the referenced rulemaking and petitions referenced in the opening comments.

Firstly, many of the comments filed on RM11708 were submitted by non-amateurs. These comments were promoted by the following site:

<http://www.sailnet.com/forums/general-discussion-sailing-related/111746-us-citizens-urged-support-fcc-rm-11708-a.html>

The comments on that site are an illuminating read; I recommend FCC check it out. The idea for this was to allow licensed amateur operators to send and receive casual messages from vessels. The same Airmail program worked for both commercial Sailmail (fee charged by operators of that system) and some use of amateur radio where appropriate. It turned out that significant amounts of traffic on amateur frequencies was of a commercial nature. The evidence for this does not require an extensive search. It is within FCC's own filings on RM-11708, in a filing by Randal

Evans. I quote it here:

"7521315143.txt
To: FCC – RM-11708

The sailing forms are all encouraging us to file comments in support of RM-11708. This is my first filing and if I mess this up, please see SailNet Forum at: <http://www.sailnet.com/forums/general-discussion-sailing-related/111746-us-citizens-urged-support-fcc-rm-11708-a.html>

I have experienced very dependable service from the amateur radio Internet Winlink system. Its a great service because all of the other available Internet services cost money. Even when I am topside cruising the system runs automatically below deck publishing my position reports and downloading my email. I use the system for sending position reports, ordering supplies, repairs, chatting with friends and posting to facebook. My only complaint is that it needs to be much faster. I am not a amateur radio operator yet but a friend lets me use his call with a SIDD on the end. I hope to get my own ham call soon.

From what I read on the sailing forums, RM-11708 will allow Winlink eMail to run twice as fast. That is great and I am for that. Some of the technical folks are saying that if RM-11708 is published with no bandwidth we can get even faster Internet and might be able to stream movies on the Winlink Internet. I'm for passing RM-11708 into law with no bandwidth limits."

To my knowledge, FCC has not taken any action against this unlicensed operation, nor has it taken action against the amateur operator who has allowed the use of his license and call sign for these purposes, which are clearly being used as a substitute for a commercial service.

Commercial Sailmail costs \$200 a year and is legal for business communication. There are more reliable and cost effective solutions:

<http://www.globalmarinenet.com/hf-radio-and-pactor-modems-vs-satellite-phones-for-email-at-sea/>

Furthermore, there is an existing FCC enforcement ticket #337443 that documents the interference problem presented by current use of wideband ACDS (automatically controlled digital stations) to incumbent Data and CW operations in the amateur bands.

I see no reason for FCC to grant additional bandwidth or frequencies until this problem is resolved successfully. If there is further clarification that FCC can make with regard to containing ACDS to its assigned band segments, I heartily endorse that action. It would go a long way to correcting the underlying issue which connects all of these proposed rulemakings and petitions.

This primarily is happening because a section of the rules, Part 97.219 and 97.221 are misused to conduct such ACDS operations outside the segment assigned to it. This part of the rules needs to be revisited by the FCC and corrected. A "remote base" is actively controlled by a live operator, according to long standing amateur practice. Even a 2 meter FM repeater is actively monitored by a control operator. Anything operating outside of the ACDS sub bands should require a human at the controls, monitoring the operations, and controlling the third party traffic to make sure it is legal to retransmit.

60002209792.txt

I request that the FCC reject all of the referenced proposals and rulemakings as written until such time as enforcement of existing rules is possible, and a rational system to keep wideband digital operations, in particular ACDS operations, separate from other amateur operations which have managed to coexist peacefully with each other without a lot of intervention by the FCC enforcement actions.

Amateur radio is a technical pursuit, not "Internet CB" or an "APP".

Janis A Carson, AB2RA, Amateur Extra class licensee