Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the 47 CFR Part 97	)	
Amateur Radio Service and/or	)	
Amendment of the 47 CFR Part 95	)	RM-10521
Subpart B Family Radio Service	)	
to Permit non-Amateur non-United States	)	
Resident Foreign Nationals Access to	)	
the 446.0 to the 446.1 MHz Band	)	
	)	

COMMENTS IN OPPOSITION

To: The Commission

1. *Introduction*. The matter captioned above was brought before the Commission by a petition for rulemaking filed by Dr. Michael Trahos (hereafter referred to as "petitioner") in January 2001. The petition was placed on notice on August 8, 2002. Being placed on notice, comment was solicited on the petition for 30 days from the date it was placed on notice. As an amateur radio operator who may potentially be affected by the proposals contained in the petition concerned, I do comment in this proceeding.

2. *Background.* Petitioner requests that a proceeding be commenced to change rules in Part 97 of the Commission's Rules and/or Part 95 of the Commission's Rules to authorize persons who are permitted in ITU region 1 to operate radios under a decision of the Conference of European Postal and Telegraph Administrations (CEPT) that is similar to an extent to an order by the Commission in 1995 that authorized the Family Radio Service by way of subpart B of Part 95 of the Commission's Rules to be permitted to operate in the United States. Petitioner contends that the rules are unenforceable based upon prior observations he has made of communications activity that is contrary to the Commission's Rules in Florida. Petitioner further contends that recission of the rules that Petitioner contends are unenforceable will help

contribute to international good will. Petitioner also places on record in paragraphs 2 through 5 his qualifications to make this proposal.

3. *Discussion*. Petitioner does not state specifically what rules Petitioner wishes changed. Indeed, the cause captioned above appears to be a request for Commission staff to find which regulations need to be amended and for Commission staff to draft the proposed change in line with petitioner's general request stated in his submission. If those were the only grounds I would consider in this cause in deciding whether or not to support a Notice of Proposed Rulemaking (hereafter referred to as "NPRM") being issued in this matter, I would immediately state that I strongly oppose this petition.

4. It is not good practice to drop a regulation that Petitioner contends is unenforceable to promote international goodwill. I am confused by Petitioner's logic in how his proposed rules change would promote international goodwill by removing supposedly unenforceable regulations. Instances of violations of regulations does not give cause to say that the regulations are unenforceable. Attempting to follow petitioner's logic, in this case much of Part 97 would have to be dropped due to violations of various provisions by various parties (i.e. broadcasting, intentional interference, not meeting transmission standards, broadcasting in codes, etc.) that under Petitioner's logic would indicate that such was unenforceable. I do note, however, that enforcement actions have occurred during the Commission's history with respect to violations. I also do note that the American Radio Relay League does conduct band monitoring operations to look for intruders in amateur radio bands. The absence of enforcement does not indicate that a regulation cannot be enforced.

5. I also have concern with Petitioner's claim that this proposed change will promote international goodwill. I question how a concession on the part of the Commission to operators who are CEPT nationals promotes international goodwill when such radios are not authorized for use in the United States. Such radios are probably not type certified by the Commission and as such aren't able to be used under Part 95. Under Part 97, an operator's license and station license are required for operation. Creating a massive exception to the Commission's equipment

type certification rules as well as to long-standing licensing rules does not appear to be clearly proposed in this matter.

6. I do also question what public interest, convenience, or necessity is served by Petitioner's proposal. If such an exception were made for foreign operators, will foreign administrations reciprocate? Is it appropriate to put non-type-accepted equipment out on the streets in vast numbers? Should more enforcement be occurring instead of capitulation? Petitioner's proposal does not clearly set forth how it would serve the public interest, convenience, or necessity.

7. *Conclusion*. I do strongly OPPOSE Petitioner's request for the reasons stated above. An NPRM is not justified in this matter at the present time. Due to the way in which the proposal was presented, though, it appears that it would be most appropriate to dismiss the present cause without prejudice so that it may be filed again at a later date in a more clear, concise manner with specific rule changes proposed.

Respectfully Submitted,

/s/

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August 21, 2002