

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

In the Matter of)	
)	
WRC-03 Omnibus)	ET Docket No. 04-139
Amendment of Parts 2, 25 and 73)	
Of the Commission's Rules)	

To: The Commission

**COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel, hereby respectfully submits its comments in response to the *Notice of Proposed Rule Making* (the Notice), FCC 04-74, 69 Fed. Reg. 33698, released by the Commission March 29, 2004. The Notice proposes to amend the Commission's Table of Allocations (47 C.F.R. § 2.106), and certain service rules, in order to implement domestically the allocation decisions from the World Radiocommunication Conference (Geneva, 2003) referred to as WRC-03 concerning the frequency bands between 5900 kHz and 27.5 GHz, and to otherwise update its rules in this frequency range. In the interests of the Amateur Radio Service in timely access to the band 7100-7200 kHz in ITU Regions 1 and 3, ARRL states as follows:

1. ARRL's interest in this proceeding is with respect to the so-called "7 MHz Realignment," pursuant to which allocations in the bands around 7 MHz in various services were to some extent harmonized at WRC-03. Specifically with respect to the Amateur Service, the WRC-03 Final Acts (*Radiocommunication Conference Final Acts, Geneva, 2003*) allocated the band 7100-7200 kHz to the Amateur Service in Regions 1 and 3 effective March 29, 2009. The

timely implementation of this international harmonization in the band 7100-7200 kHz is an extremely urgent matter in the Amateur Service. For years, several administrations in Region 3 including Australia, New Zealand, and Western Samoa have allowed their amateurs to use the band 7100-7300 kHz on a secondary basis under the provisions of paragraph 4.4 of the international Radio Regulations, which permits administrations to authorize such operation on the express condition that harmful interference is not caused to a station operating in the primary service (broadcasting). Subsequent to WRC-03, several administrations in Region 1 have initiated similar steps with respect to the 7100-7200 kHz band in order to provide their amateurs with early access to this portion of the band. Thus far Croatia, San Marino, Norway and Iceland have authorized such operation, and additional administrations reportedly are planning to do so. ARRL is very much concerned that the Commission tentatively makes no proposal in this proceeding for modification of Sections 97.301 or 97.305 of the Amateur Radio Service rules, so as to permit licensees under the Commission's jurisdiction in Regions 1 and 3 to make similar use of the band 7100-7200 kHz. ARRL urges that such authorization be provided for in any Order adopted in this proceeding.

2. The decision at WRC-03 was a large step in resolving an incompatibility between the Amateur Service and the broadcasting service that has existed for many years, to the substantial detriment of the Amateur Service. Presently, and for many years, the band 7000-7300 kHz has been available for Amateur use on a primary and exclusive basis in Region 2. This was initially a worldwide exclusive allocation for the Amateur Service as early as 1927. The allocation has not changed in Region 2, but before World War II, the fascist governments in Europe demanded that parts of the 7 MHz Amateur band be reallocated to broadcasting to accommodate European propaganda broadcasts. Thus began, in 1938, a diminution of the 7 MHz Amateur band that

continued in stages to 1959 and eventually affected all of Regions 1 and 3. While amateurs in Region 2 retained access to the entire 7000-7300 kHz band, the usefulness of the upper two-thirds of the band is impaired at night by the presence of strong broadcasting signals from outside Region 2. At the 1992 World Administrative Radio Conference (WARC-92) in Torremolinos, Spain, the United States proposed a version of harmonization of this allocation, suggesting that the Amateur Service be allocated 6900-7200 kHz worldwide, and that broadcasting be afforded certain other allocations. At that Conference, however, what was adopted was a recommendation that the alignment of Amateur allocations around 7 MHz be placed on an agenda for a future conference. At WRC-2000 in Istanbul, 7 MHz harmonization was placed on the agenda for WRC-03.

3. It is apparent that the realignment of the Amateur and broadcasting allocations has been an issue long in resolution. When the 300 kHz worldwide Amateur allocation was initially reduced outside of Region 2, Amateur stations worldwide numbered only 15,000. Now, they number almost three million. The inability of radio amateurs in Region 2 to communicate using telephony other than on a split frequency basis with most other Amateur stations in Regions 1 and 3 is a major handicap. It makes the band far less useful than it could be for disaster relief and emergency communications, functions of the Amateur Service that are now afforded greater recognition in Article 25 of the international Radio regulations and that are historically of particular importance in the United States territories in Region 3. The 100 kHz now available to Amateurs in Regions 1 and 3 is wholly inadequate for their use on a daily basis. The 7 MHz band is the only worldwide Amateur allocation between 3.8 and 10.1 MHz. It has critically important and unique long distance propagation characteristics during nighttime hours. It has proven necessary for communications during weather emergencies between the United States mainland

and territories such as American Samoa and Guam as well as between those territories and nearby countries. It has important intraregional propagation during daytime hours and interregional paths during the nighttime hours. It is often the only band available for certain long distance paths during the nighttime during sunspot minima, such as that approaching in the next few years.

4. It is critically important that the severe overcrowding of the 7000-7100 kHz band in Regions 1 and 3 be alleviated as soon as possible. Amateurs in Region 2 make significant use of the 7100-7300 kHz segment in daily communications, despite the presence of strong international broadcast signals at night. International shortwave stations do not as substantially hamper Amateur use of the band during the daytime as they do at night. Though Amateur operation in some areas of Regions 1 and 3 would be limited by the strong broadcasting signals, especially during nighttime hours, there is still, now, a good deal of capacity for Amateur operation at 7100-7200 kHz, day and night.

5. Therefore, ARRL disagrees with the Commission's conclusion at paragraph 11 of the Notice, that "[a]s a practical matter, we do not believe that the amateur service can make use of the band 7100-7200 kHz in Regions 1 and 3 in advance of HFBC stations vacating the band because of the great power disparity between amateur stations and international broadcast stations." This statement is provably untrue now, since there are radio amateurs operating in Regions 1 and 3 in that segment with some success, and without causing harmful interference to the primary service. Surely enough, the circumstances will markedly improve after broadcasting stations completely vacate that segment. However, to not allow Amateur operation in United States territories in Region 3 in the meantime unreasonably and unnecessarily restricts their ability to communicate with their counterparts in Region 2 as well as with their counterparts in

the countries in Regions 1 and 3 that already permit, or will soon permit, operation on a secondary basis. It also postpones the critically necessary resolution of overcrowding in the Amateur allocation at 7000-7100 kHz in Regions 1 and 3 and unnecessarily prolongs the necessity for split-frequency operation (which is inefficient and cumbersome) between Region 2 amateurs and their counterparts in Regions 1 and 3.

Therefore, ARRL respectfully, but most urgently, requests that the Commission reconsider its assumptions about the practicalities of Amateur use of the 7100-7200 kHz band between now and March 29, 2009, during which time the broadcasting stations in Regions 1 and 3 will be vacating the band. Instead, it should trust in the traditional ability of Amateurs to make use of portions of this band immediately. The same is necessary and important. Part 97 should be amended in this proceeding to permit access by the Amateur Service in Regions 1 and 3 to the entire 7000-7200 kHz band, with 7100-7200 kHz on a secondary basis until March 29, 2009 and on a primary basis thereafter.

Respectfully submitted,

**ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

225 Main Street
Newington, CT 06111-1494

By: Christopher D. Imlay
Christopher D. Imlay
Its General Counsel

BOOTH, FRERET, IMLAY & TEPPER, P.C.
14356 Cape May Road
Silver Spring, MD 20904-6011
(301) 384-5525

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