Before the
Federal Communications Commission
Washington, DC

In the matter of:	)	
	)	**RM-11305**
Amendment of Part 97 of the	)	
Commission's Rules Governing	)	**RM-11306**
the Amateur Radio Service	)	

Reply Comments in Rule Making Proceedings

Introduction
This filing is from Paul Courson, licensed Amateur WA3VJB. I am a member of one of the two groups of people involved in the writing and submission of these Petitions, and have taken an active, public role in eliciting formal Comments filed with the FCC as well as public discussion of both these proposals now before you.

Findings
Based on a review of correspondence, on-air discussions, and the Comment file in the FCC's Electronic Comment Filing System, I today file in a timely manner my Reply Comment that there is a good compromise instantly available to resolve the concerns expressed in Comments on these two Petitions, while creating a way to attain positive elements of both of these proposals for Rule Making.

Part of the guidance the FCC should consider in its anticipated Notice of Proposed Rule Making has already won consensus approval prior to these Petitions, and was developed out of deliberations by the International Amateur Radio Union, a volunteer coalition of hobbyist radio organizations, including the Petitioner behind RM-11306.

A second source of guidance in this proceeding has come from the group known as the Society for the Preservation of Amateur Radio (SPAR), whose members reached a proposal by consensus as a third-party contributor to the Matter before the FCC.

Analysis
The well-reasoned Comments opposing both of these Petitions suggest a lack of confidence that licensed Amateurs, if left without rigid, full-time boundaries, would misbehave in their selection of frequencies on which to operate.

Analysis (con't.)

None of the Comments provides any evidence to support this conjecture; yet such speculation is pervasive among those submitting their thoughts.

Fear of change and fear of the unknown may explain part of this reluctance to allow vacant frequencies to be free for all to use, while others seek to continue mandatory reserved space regardless of whether any protected activity is actually underway. The latter is a disappointing approach to achieving good use of available spectrum.

Compromise Plan

This Reply Comment supports implementation, except for 160 meters, of the Region 2 Band Plan from the International Amateur Radio Union (IARU), that was developed and approved by this coalition of radio groups in October, 1998.

In establishing their credentials, the IARU has stated that:

"bandplans have been compiled and modified over the years to reflect changes in operating requirements"

And that:

"The plans are prepared in a democratic way with input from any country's member society. The plans are discussed, modified and voted upon at IARU Regional General Assemblies."

The IARU "member society" in the United States happens to be the same as the Petitioner in RM-11306. This later Petition from the American Radio Relay League is inconsistent with the current bandplanning philosophy at the IARU. The FCC, as part of accepting Petitions and proposals from the Newington group, should urge a review of what their group is on record as supporting to the contrary.

The Commission most certainly should not accept proposals from this group, including RM-11306, before it can resolve discrepancies among various positions already taken. Such confusion on their part would preclude acceptance of the yet-to-be created "band plan" the Newington group has said it shall develop if RM-11306 is allowed to move ahead.

Compromise Plan (con't.)

The IARU Region 2 bandplan can accomplish Petitioner's stated goal in RM-11306, described as seeking an improved climate for the development of digital communications technology.

However, Commenters in this proceeding have noted the category of digital communications remains a tiny specialty, and assert it should not be allowed to adversely affect popular, established communications. For example, although small in number, operators of certain automated digital systems have drawn fire in the Comment filing period for failing to establish a listen-before-transmit protocol against interference.

Given the substantial number of Comments stating elements of this concern as outlooked into the future, the FCC would do well to consider the concept of an "incubator" for nascent digital modes, with loose regulatory constraints, but tight operating constraints.

A digital category could be established as an exception to the technical standards today enumerated in Part 97, with HF activity confined to small areas called "digimode" slots in the IARU Region 2 plan, where operators can establish their credentials as good stewards of spectrum coordination as well as demonstrating what may pass as high technical quality.

The League itself has shown receptiveness to the concept of allowing a period of probation before judgment for digital telecommunications, having reversed its initial stand opposed to digital Broadband over Power Line technology when industry came along with cleaner ways to pass internet data over electric wires.

Amateurs deserve to see whether and if digital buffs can develop technology that can successfully protect reception by ear from conflict caused by decoding done by machine.

An upcoming proposal from SPAR seeks to accomplish such an incubator with minimal impact on the majority of users nearby.

Compromise Plan (con't.)

The SPAR draft proposal would establish a 10kHz, non-exclusive segment at the border of the phone and data segments, for the purpose of lawfully allowing the use of combination modes containing both voice and data. Such activity is not now provided for under Part 97.

Summary

The IARU Region 2 bandplan would satisfy much of the goal in RM-11306 by allowing additional areas for digital activity.

Implementing this plan would also cover some distance toward the goals of RM-11305, by allowing greater use of underutilized areas that have been reserved for users who can no longer adequately populate the size of the zones apportioned decades ago.

The users of today's mainstream modes see popular use of various approved emission types because they've established a track record of compliance with the Rules. It would be consistent in the future if users of new and not-yet-envisioned digital signal types had an opportunity to prove themselves and seek acceptance by the majority as well.

Submitted for the public record,

-s-

Paul Courson