

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )

Amendment of Part 97 of the )  
Commission's )  
Rules Governing the Amateur Radio )  
Services )

**WT Docket No. 04-140**

Amendment of Section 97.111 of the )  
Amateur )  
Radio Service Rules to Limit )  
Transmissions of )  
Information Bulletins )

Conforming Amendments to Part 97 of )  
the )  
Commission's Rules to Implement the )  
World )  
Radio Conference 1997 Final Acts )

Amendment of Part 97 to Provide Color- )  
coded )  
License Documents )

Amendment of Part 97 to Allow Instant )  
Temporary Licensing )

Amendment of the Amateur Service )  
Rules to )  
Limit One-Way Voice Broadcasting on )  
Frequencies Allocated to the Amateur )  
Service )

Amendment of Sections 97.111 and )  
97.113 of )  
The Commission's Rules to Curb Certain )  
Abuses in the Amateur Radio Service )

Amendment of Section 97.3(a)(26) to )  
Establish Two Classifications of )  
Information Bulletins )

---

Amendment of Section 97.305(c) to  
Authorize  
Image Emissions in Additional High  
Frequency Segments

By W. Lee McVey

To: The Commission

---

## **PETITION FOR PARTIAL RECONSIDERATION OF RULE AND ERRATUM**

The undersigned, pursuant to Section 1.429 of the Commission's rules (47 C.F.R. §1.429) files this Petition for Partial Reconsideration of the instant rule and specifically, the Erratum released November 26, 2006, to change a portion of the Report and Order (the R&O), FCC 06-149, released October 10, 2006, 71 Fed. Reg. 66460 et seq. The R&O amended Parts 1, 2 and 97 of the Commission's rules governing the Amateur Radio Service to modernize, streamline and remove unnecessary restrictions on Amateur Service licensees and to clarify various definitions within rules and regulations. Among the amendments were the revision of the modes permitted for the Amateur Service High Frequency (HF) bands on which Amateur stations are authorized to transmit digital telecommunications and, in particular, the

bandwidth restrictions on digital telecommunications.<sup>1</sup> In its Erratum to this matter, the Commission has, by limiting only the bandwidth of “C-suffix,” video modes to 500Hz, opened the door to unlimited bandwidth for all other permitted digital modes. Especially, to those that use multi-carrier, low baud-rate modulation techniques.<sup>2</sup> If allowed to stand, as revised by the Erratum, J2D modes can now occupy as much bandwidth as needed for higher-speed digital content throughput. It is conceivable that PacTOR-“N” multi-carrier systems can be developed that will occupy 10kHz or more, for conveyance of broadband IP content on the HF amateur bands.<sup>3</sup>

The regulations that have defined narrowband digital bandwidth have been abused, on purpose, by those wishing to achieve wider-bandwidth operation in designated digital segments on high frequency (HF) bands. This has been accomplished through the use of multi-carrier modes, such as J2D, using modulation rates under the 300 Baud maximum permitted symbol rate. Since, until the issuance of the instant Report and Order, bandwidth was apparently assumed to be limited by symbol Baud rate. And, likely, the

---

<sup>1</sup> See 97CFR§97.3 (c) 2.

<sup>2</sup> Multi-carrier J2D modes may be devised with less than 300 Baud individual carrier symbol rates, that will occupy as much spectrum bandwidth as is needed to accommodate as many individual carriers as the designer so desires. Existing regulations are silent as to occupied bandwidth of such modes.

<sup>3</sup> The ARRL Board of Directors has an established goal to promote broadband digital content on the HF Amateur Bands.

definition of Baud rate when originally promulgated, was meant to apply to only one carrier per channel or dial frequency, not as many as 16<sup>4</sup>!

With regard to this matter, the ARRL, in a private communication to me, even went so far as to state, in effect, “you have just made the case for Regulation by Bandwidth.” I cannot believe that the Commission wishes to expend its resources creating regulatory ambiguity and the ultimate need for further revisions to regulations.

In its Comments to the original Rulemaking, The American Radio Relay League recognized the “loop-hole-ridden” definition of narrow bandwidth in FCC regulations by requesting a revision of HF digital bandwidth to 3kHz.<sup>5</sup> Had this been adopted, this would have at least ‘legalized’ the ongoing breach of RTTY/digital/telegraphy narrow-band spectrum segments of the HF amateur bands. However, the Commission apparently became confused with the intended addition of only narrow bandwidth video, having a “C” mode suffix, to the narrow bandwidth HF digital segments. And, that the language could somehow limit digital modes on all frequencies to bandwidths of 500Hz or less. A careful reading of 47CFR97.305, 47CFR97.307, and 47CFR97.309 shows an intent of greater allowable occupied digital bandwidth for frequency bands above 30MHz. If, however, the Commission were to replace Baud

---

<sup>4</sup> PacTOR III, an existing, *unspecified* J2D mode, employs 16 separate, individually modulated carriers, consuming as much as 3kHz of spectrum within RTTY/data/telegraphy-only narrow-band segments.

symbol rate restrictions with occupied bandwidth for all amateur digital segments and modes, this would definitively clarify many misunderstandings and remove the ambiguity of what was intended.

Out of this seeming confusion, the Commission had, in its original Report and Order, clarified that all modes within digital spectrum segments were not to exceed 500Hz occupied bandwidth on frequencies below 30MHz.<sup>6</sup> Something that had been needed for quite some time, to avoid the misconstruances and improper extrapolation of wide-bandwidth digital modes into and onto sparsely available HF spectrum below 30MHz. And, this was undone by issuance of the Erratum.

It is my purpose and intent of this filing to request that the Commission reconsider the Report and Order as modified by issuance of its Erratum, and to end confusion in this matter by limiting all modes included at 47CFR§97.3 (c) 2 to not more than 500Hz of occupied bandwidth below 30MHz.

In view of the above, I request that the Commission adopt this Petition at its earliest convenience.

---

<sup>5</sup> See ARRL Comments at 8-9.

<sup>6</sup> Report and Order ¶ 19, P.12.

Respectfully Submitted,

/s/

W. Lee McVey  
3 Squires Glenn Lane  
Leeds, AL 35094-4564  
December 14, 2006