

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 Service Concerning) RM-11306
Permitted Emissions and Control Requirements)
)

To: The Commission

Comments of Alexander Krist, Amateur Radio Station KR1ST

March 20, 2007

I. Introduction

After the comment period and the reply comment period for RM-11306 expired, the ARRL filed a Notice of Oral Ex Parte Presentation to RM-11306. The following are my comments to the notice filed by counsel for the ARRL on February 14, 2007.

II. Discussion

1. When the ARRL initiated the process to formulate a petition to regulate Amateur Radio frequency allocations by bandwidth rather than mode of operation, the ARRL sought input of the Amateur Radio Community. Although it may have had the appearance of representation of the Amateur Radio Community then, we can now say for certain that this revised proposal is in no way representative of the ARRL membership and certainly not of Amateur Radio Community at large since no input has been requested for

this revised proposal. The ARRL membership has not even been made aware that the ARRL proposed dramatic changes to their Original Petition.

2. The Notice filed by counsel of the ARRL describes that the purpose of the meeting with the Commission's Mobility Division was to present "some" proposed modifications to the Petition filed on November 14, 2005. When both the original and the newly proposed petition are compared, one can only conclude that very substantial changes have been made, not just "some". In fact, the modifications are so substantial that a new Petition of Rule Making is justified in order to give all stake holders a chance to file comments and reply comments. For instance, in the new proposal, frequency allocations below 28 MHz are not divided in bandwidth segments anymore, which was principal to the original Petition.

3. The ARRL argues that the modifications were necessary due to recent rule changes. This in effect means that many of the arguments used to urge adoption of the Original Petition have now been invalidated. These are the same arguments many stake holders filed comments and reply comments on. Stake holders in this Petition should be afforded the same privilege to amend their comments and reply comments to reflect recent rule changes.

4. Since the ARRL changes the Petition after the comment period and reply comments have expired, the ARRL abandons the Original Petition. Not all stake holders can respond to this Amended Petition because they were not given due notice.

III. Conclusion

One can only arrive at the conclusion that the ARRL has abandoned their original Petition and that stake holders do not have an opportunity to file comments and reply comments with due notice.

I would like to urge the Commission to not adopt the amendments to Part 97 as proposed by the ARRL in either the Original Petition and the Amended Petition and set aside both Petitions ,and instruct the ARRL to file a new Petition for Rule Making.

Respectfully submitted,

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