

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of:)
)
Amendment of Part 97 of the)
Commission's Rules Governing the)
Amateur Radio Service to)
Implement Changes to Section 97.3(c)2,)
97.221 Automatically Controlled Digital Station)
Et. Al.)

RM-11392

Introduction

This Reply Comment is filed to oppose the suggestion by Petitioner that bandwidth is an accepted regulatory means of segregating modes and activities in the Amateur Service. Comments filed in this proceeding, however, identify and substantiate a problem for which Petitioner appropriately seeks regulatory relief.

Review and Reply

Among the Comments filed in Opposition, many respondents in this proceeding attempt to defend their placement and utilization of an automated telemetry system known as "WinLink," which operates under the generic protocols established as "Pactor III." Petitioner asserts, as motivation for his Rule Making request, that the placement of such activity exceeds the intended footprint of signals situated by regulation in the narrowband data portions of the Amateur HF bands.

Petitioner portrays such activity as improperly taking advantage of a loophole in the Commission's specifications that provide a restricted space for data emissions. The agency's longstanding mode-based method of coordination offers substantial benefits against interference, enjoys widespread acceptance among conscientious licensees, and provides guidance to operators for the grouping of compatible modes and activities as we see fit.

Where appropriate, the concept of bandwidth is an acceptable but secondary means of further describing the anticipated footprint a signal at issue may represent. This concept supports but never replaces the popular mode-based layout, and is different from the proposed but discredited use of enumerated bandwidth as the sole means to coordinate the placement of hobbyist signals in shared, non-channelized spectrum. Petitioner acknowledges the history of such proposals as being unaccepted by the greater Amateur community, and subsequently discarded by the Commission.

In the matter of the problem identified by the Petitioner, it is incumbent upon Opponents who filed Comments defending “WinLink” and other signals at issue in this proceeding to first establish that their operations are in compliance with the technical and operational intent of the law.

Neither standard is adequately defended in a review of Comments filed by those Opposed to RM-11392. By contrast, some of those who support RM-11392 have submitted Comments documenting a pattern of interference by “WinLink” / Pactor III operators that the Commissioners should consider in this proceeding to validate Petitioner’s stated need for a revision to the Rules.

Petitioner himself has not presented any evidence to establish the magnitude of the problem he hopes to address with favorable action on RM-11392. This does not undercut the opportunity for the Commission to offer clarifications to curb and pre-empt further misunderstandings by certain users if the present wording of the Rules is deemed questionable.

Conclusion

Petitioner has adequately identified a problem created by technological developments not foreseen when the FCC wrote specifications to segregate incompatible activities. The goal is unchanged to help operators group their activities in ways that minimize friction among users of shared, non-channelized spectrum.

The FCC can affirm the intent of its Rules governing narrow-band segments on HF by simply adding to these data segments a reference that any signals must meet the known and accepted bandwidth of authorized signals constrained by baud, symbol and shift parameters. This overlay, which can take the form of a clarifying footnote in the existing rules, would remove the unanticipated oversight of allowable digital signal modes not measured by baud-type parameters.

Meeting one specification or the other would re-establish the protections Petitioner seeks.

This Reply Comment opposes the implementation of tightly-defined, specific bandwidth numbers. Nothing in the record suggests a need to impose hard numbers on bandwidth, since there has been no evidence presented in this proceeding to dispute Petitioner’s assertion about the bandwidth measured with higher speed versions of “Pactor III.”

Conclusion (con't)

What's left for the FCC to determine is whether these wider-bandwidth transmissions meet the intent of the regulations constraining the signals in the data segments of the Amateur HF bands.

Enumerated bandwidths in a hobbyist radio environment would confront operators with an unreasonable technical challenge to ensure compliance, and would go against the FCC's philosophy of promoting the least restrictive environment that can encourage innovation and experimentation.

Part 97's reference to "Good Amateur Practice," and the mandate to avoid interference already provide the basis for enforcement action if the FCC agrees with Petitioner and supporting Commenters that certain stations today operate under an incorrect interpretation of prevailing law.

Recommendation

Those involved with the questionable activities cited by Petitioner that today appear to be situated against the intent of the FCC's coordination plan should apply for relief through the regulatory process. If they seek authorized areas to operate, proponents must address whether their activities inappropriately cross into the commercial internet arena, and whether operators have failed to adequately comply with FCC regulations against interference as Petitioner and Commenters in this proceeding have suggested.

As it resolves this proceeding, the Commission may wish to provide initial guidance regarding the suitability of using the Amateur Service as a carrier for email from the internet, and to establish mandatory safeguards for "WinLink" / Pactor III users to preclude violations of the current provisions and intent of Part 97.

The FCC may conclude that "WinLink" / Pactor III users have neither earned a place nor could ever be qualified as authorized activity in the Amateur Service without additional regulatory supervision.

Respectfully submitted,

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