

Before The
Federal Communications Commission
Washington, D. C. 20554

FILED/ACCEPTED

APR - 8 2009

Federal Communications Commission
Office of the Secretary

In the Matter of

Changes in Part 97
With regard to Amateur
Radio Service Rules,
97.205(e), Repeater stations

RM _____

To: The Commission

Petition by Murray Green, Amateur Radio Operator, K3BEQ

Respectfully requests that the Commission modify part 97.205(e) of the Amateur Radio Services Rules to *prohibit* limiting the use of frequencies associated with repeaters to only certain users, (e.g. closed repeaters.)

Introduction:

Commission Rule 97.205(e) states that "*Limiting the use of a repeater to only certain user stations is permissible*". I believe that this rule creates a conflict with Rule 97.101(b), "*Each station licensee and each control operator must cooperate in selecting transmitting channels and in making the most effective use of the amateur service frequencies. No frequency will be assigned for the exclusive use of any station*", because the two (equipment and frequencies) are inherently tied together. Additionally, as explained below, amateur service frequencies are not being used effectively.

Overview:

In many towns and cities across the United States there are repeater owners who require that Amateurs pay to use their repeaters and/or stipulate who can use the repeater. They are referred to as *closed* repeaters but may not necessarily carry this designation. Although the Commission does not clarify the reasons behind Part 97.205(e), it is suspected they were implemented because (1) the Commission cannot regulate repeater equipment, (2) permits only repeater owners and their specified users to enjoy their repeaters and (3) denies repeater access to users who violate the Commission's rules.

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The conflict concerns the frequencies associated with the repeater equipment. They *are* regulated and cannot be assigned for the exclusive use of any station, (97.101(b)). By tying unregulated repeater equipment with regulated frequencies the Commission has unintentionally established a Rule, (97.205(e)), that: permits a pay for use policy in the Amateur Radio Service, enables user censorship and intimidation, breeds on the air inactivity by not using frequencies effectively and creates a negative public image.

It is one thing, for example, for repeater control operator to request financial support but quite different to say do not use the repeater and its associated frequencies unless you pay or this repeater is restricted to select users. How intimidating and negative this can be for a new amateur attempting to use the frequencies and the repeater for the first time and to the public who may be listening. It is fair to state that most users who consistently use an *open* repeater typically volunteer to provide financial support and are active on the repeater's frequencies, but *require* them to pay for a *closed* repeater and the reverse is true. When an owner activates a repeater using regulated government frequencies, they should, in my opinion, forfeit the luxury of dictating who uses it.

The greater part of repeaters operating throughout the United States are *open* to all properly licensed amateur operators and their coordinated frequencies used very effectively. It seems to me that closed repeater owners who limit the number of users by requiring payment or deny use by virtue of selection have self serving interests not compatible with the Amateur Radio Service. There would be serious consequences to the Service if open repeater owners were to begin limiting use pursuant to 97.205(e).

Regulated frequencies should not be held hostage by repeater owners, nor should users be intimidated by on the air statements such as pay for use, or this is for certain user stations only. It is wrong! The repeater and frequencies are inseparable. If it is an issue of unregulated equipment versus regulated government frequencies, the latter should prevail and that repeater owners, in the best interests of the Amateur Radio Service, not be allowed permissive and *indirect* control of amateur service frequencies.

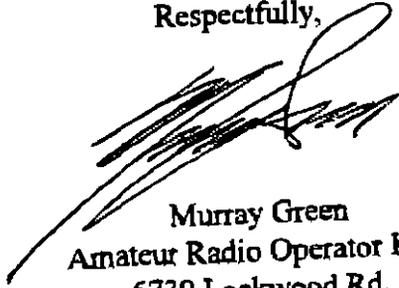
Recommended Action To Be Taken By The Commission:

Based on the above, it is requested that the Commission amend Section 97.205(e) as follows:

97.205(e): Delete the last sentence and insert the following in its place.
"Because repeaters and their coordinated frequencies are inseparable, and to make more effective use of amateur radio service repeater frequencies, limiting the use of frequencies used by repeaters, directly or indirectly is prohibited, except where a user blatantly violates the Commission Rules."

Dated:

Respectfully,

A handwritten signature in black ink, appearing to be 'Murray Green', written in a cursive style with a large loop at the end.

Murray Green
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