

**John Zaruba Jr K2ZA
Amateur Radio Emergency Service
Section Emergency Coordinator
ARRL Southern New Jersey Section**

491 Pennsylvania Avenue
Franklinville, NJ 08322-2358
(856)269-9938
e-mail: k2za@arrl.net

June 29, 2013

**Federal Communications Commission
445 12th Street SW
Washington, DC 20554**

In the matter of RM-11699:

Allowing the use of digital encryption on amateur radio frequencies, outside of the special circumstances already provided for in Part 97, represents a risk for abuse which greatly exceeds any potential benefit to the Amateur Radio Service or entities that may be served in times of emergency. Self policing has been a foundational value of the Service since it's inception, the afore mentioned proposal represents a Faustian bargain (at best) of some potential improvement for the emergency communications aspect, at the expense of transparency in the the rest of Amateur Radio. Historically, rules changes made by individual countries have often migrated up to the International Telecommunications Union, so setting the precedent of digital encryption in Amateur Radio could have negative implications not only in the United States, but worldwide.

In southern New Jersey, the Amateur Radio Emergency Service works extensively with the healthcare community through the Medical Coordination Center in Camden. A joint activity of Cooper University Hospital and the New Jersey Department of Health and Senior Services, MCC/South is akin to an Emergency Operations Center in the emergency management world, with the specific mission of supporting both acute and long term care facilities in all aspects of emergency operations and response. The operational guidance that ARES has received from MCC/South says that as long as no Personally Identifiable Information (PII) is transmitted in the clear, no HIPAA violation has occurred. Patient numbers used by the various healthcare facilities are NOT PII. If a situation exists where Amateur Radio is truly the only means of communication, the emergency provisions of HIPAA would then apply.

Perhaps served agencies that find the open, transparent, and unencrypted nature of Amateur Radio objectionable would be better served investing in backup communications infrastructure that utilizes the capabilities of other Commission regulated services.

Sincerely yours,

John Zaruba Jr. K2ZA