

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)
)
Encryption of Amateur Radio)
Communications) RM-11699
)
To: The Chief, Wireless)
Telecommunications Bureau)

MOTION

Comes now, W. Lee McVey, W6EM, Amateur Extra Class licensee and interested party in the above captioned Proceeding. I submit that I neglected to serve my original June 28, 2013 Comments upon the Petitioner. Service upon the Petitioner in this Rulemaking Proceeding is required by 47CFR§1.405(a)¹, which is included as a requisite in the *Public Notice* to this Proceeding. I ask that the Commission now consider a *special exception* to the service requirement for informal Brief Internet Comments and Replies filed in this Proceeding. It appears that without such a *special exception*, all Comments lacking service on the Petitioner at the time of their filing were not properly filed into the record and could be dismissed.

Rulemaking Proceedings should either not permit Brief Internet Comments and Replies, or should except them from the formal service requirements upon Petitioners denoted in 47CFR§1.405(a). Formal Comments and Replies, irrespective of how filed, should still be required to be served upon Petitioners.

¹ 47CFR§1.405(a) states, in part: “Such a statement [Comments and Replies] shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.52, and 1.419(b).”

In reviewing the record of this Proceeding, I was not alone in my Comments lacking service on the Petitioner. As of this writing, there are well over 200 Comments in this Proceeding and I do not recall any including service on the Petitioner as originally filed.

Respectfully,

/s/

W. Lee McVey
W6EM
3 Squires Glenn Lane
Leeds, AL 35094-4564
July 5, 2013.