

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554
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In the Matter of)
Imposition of enumerated bandwidth)
Contradicting the FCC's practice of a) **RM-11708**
Least Restrictive Environment)
In Part 97 Rules for the Amateur Service)

REPLY COMMENTS in OPPOSITION

A Petitioner has come before the FCC seeking to abandon a longstanding practice among licensed radio hobbyists of using mode-based coordination of signals and activities in the shortwave (HF) spectrum allocated to the Amateur Service.

The group, American Radio Relay League (ARRL), is a small, non-profit personal interest association, with primary activities in publishing and the recruitment of people of like interest, the hobby of Amateur Radio.

ARRL retains paid subscriptions that it calls "memberships" from just one in five U.S. Amateur Service licensees, or about 20 percent, according to federal records filed and published this year in the group's magazine, QST.

In the instant Petition, the group did not survey those subscribers to obtain their support for the proposal, which was apparently generated as part of the group's internal agenda. Nor did the club provide a showing by any aggrieved licensees who might be harmed by existing Part 97 rules to deserve relief.

The group is asking the FCC to discard a system accepted by incumbent users, without identifying whether any beneficiaries exist and whether this is what the aggrieved parties, if any, may want for regulatory revisions.

The group's proposal was developed by an informally selected handful of fellow hobbyists, none of whom was identified as being precluded from any active intent to operate because of the rule these few licensees are questioning.

Only those who commissioned their work accepted their proposal: a few other licensees serving as unpaid volunteers with the ARRL's administrative board. The Petition was then submitted by the ARRL's attorney, without input from the greater community of active, concerned licensees who could be affected, and who might have superior ideas.

Thus, instead of potentially dissuading an unsupported Petition from coming before you, we were told by ARRL administrators to argue against their idea here, before the FCC, which is a questionable use of the Commission's resources, and an indictment of the purported representation this group asserts.

The group seeks to replace what it considers an outmoded technical standard with what the majority of licensees believes would be a misguided alternative, that of an enumerated bandwidth codified in Part 97. Most licensees are against such an approach, according to Comments previously and currently filed before you.

The ARRL's attorney has struggled in the past with conveying to you a scheme to establish Segregation by Bandwidth. The group's prior petition, RM-11306 of 2005, was withdrawn in the face of overwhelming Opposition that remains in the Public Record for the Commissioners to review.

The ratio was charitably 6-to-1 Opposed, among more than 2,000 Comments filed in that proceeding.

Not much has changed since then.

Except in this case, the ARRL's administrators declined to ask their subscribers in the first place whether they supported a bandwidth-based regulatory structure for their dream of what now is nascent digital activity. Previously, the group's top executive, David Sumner, acknowledged to this Commenter that responses from subscribers were mostly negative as received to a blind-email address ahead of the ARRL's previous Petition for Segregation by Bandwidth.

The Amateur Service relies on good behavior, not technical standards, as a primary means to array our various modes and activities with minimal conflict among incompatible signals in shared spectrum.

The ARRL misunderstands the value of that system of coordination, and has completely disregarded the users of our allocations in making its proposal to you.

Technical standards in the Amateur Service, where they exist at all, are an important means of protecting other services from interference. But when it comes to the coordination of permitted activities, arraying by Mode has been the predominant and popular regulatory method of minimizing friction between Morse Code and Phone (voice) signals among radio hobbyists.

Coordination by Mode today includes activities that no longer neatly fit a category. Yet the FCC in more recent years has shown appropriate reluctance to further divide segments of our allocations into reserved areas, or to substitute some other technical specification to define and delineate where to place our signals.

At the same time, it must be said in passing that the Agency has been responsive to practical, real-time needs of popular voice-mode activity when it reapportioned the “phone” segments on the 80 meter and 40 meter bands.

The FCC’s decision to update the sizing of these two segments was based on a pattern of growth in voice mode activity and a decline in Morse Code operation. These observable trends are not replicated among various forms of “digital” communications, and specifically do not rise to the level of warranting regulatory relief.

The Commissioners have rejected calls from various specialty groups within the hobby for other regulatory protection. Full time, reserved space is an inefficient use of spectrum, since in a hobbyist service there’s no guarantee any operators would show up to use their spot on the dial.

In the Petition at hand, the ARRL admits the basis of need is some sort of vague, future development. Petitioner does not have a demonstrated track record of reliable forecasting, and such reliance here undercuts their case considerably.

The ARRL would do well to educate itself as to how the FCC sees fit to allow licensed radio hobbyists to enjoy the Least Restrictive Environment possible in how we arrange our operating. Imposing an enumerated bandwidth on any signals, today or in the future, would stray from this longstanding approach, without any tangible benefit defined by Petitioner.

Here, the group has not presented to you any specific user impact study that could address concerns about interference between automated communications not copied by the human ear, and those where a licensee can make the best judgment to minimize conflict.

The ARRL misunderstands the concept of not being able to argue with a machine that does not hear someone’s cry.

Please reject Petitioner’s request for regulatory relief. The group has not established that there are any users waiting to utilize such a change, and there is no established problem that could be addressed among visible users.

Among Comments filed in the current proceeding, I am particularly gratified to see the Opposition to enumerated bandwidth restrictions of John Johnston, the author of a failed bandwidth-based proposal from the FCC when he was a ranking staffer at the agency.

Mr. Johnston was behind Docket 20777 from the 1970s that the Petitioner today cites as part of its misguided attempt to establish need.

Kindly assign great weight to Mr. Johnston's lack of support for the regulatory imposition of specified bandwidth limitations that do not now exist in Part 97.

Respectfully submitted

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20 Dec 2013