

To The Commission:

This is a short note concerning the reply comments of the Petitioner filed 7 January 2014 in regard to RM-11708. I am in general agreement with what the Petitioner states, however, I believe it still misses the crux of the issue around specified codes when it states:

“The requirement of publication of the specifications of a digital emission has not been found to be insufficient to date in terms of monitorability of data communications or to permit enforcement of the rules regarding the content or form of data communications.”

As I made clear in my original comments, the increased symbol rates being requested in the petition *require* encoding techniques that, if not published, will be nearly impossible to discover; they are the *sine qua non* of any specification. The fact that “monitorability” or “enforcement” has not been an issue (according to the petitioner) may simply be because the codes *currently* in use do not use these techniques. The point is that we really are talking about apples and oranges that were not even considered when the Commission gave us DA 95-2106 nearly twenty years ago. Pretending that this will not be a problem in the future because it has not been in the past ignores the lynchpin of the entire technology that is being requested in the petition. This is why I labored with the historical research in my comments and have pleaded for a clarification; I believe that not addressing the issue of “specified codes” while granting the Petitioner’s request will be a disservice to the Amateur community as a whole.<sup>1</sup>

Is this an important issue? In reading the comments, one thing that sticks out is that a large number of commenters in favor of the current petition identify themselves as holding licenses both in the Amateur Service as well as in services under the auspices under the DoD, or as a member of a public safety organization. While we all understand that providing communications in times of emergency is one of the enumerated purposes of the Amateur

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<sup>1</sup> As I also pointed out in my comments, I believe this impacts little of what is being requested, and those waveforms that are currently unspecified would not be prevented if the manufacturers choose to publish the coding algorithms.

Service, this is distinct from providing convenient or inexpensive communications for public service organizations and agencies.<sup>2</sup> We now live in an age where local and state governments and public safety organizations are pouring ever larger sums of money into amateur radio equipment for emergency operations centers and other state. My concern, as it regards to the current petition, is that the Amateur Service as a whole is well represented such transactions. It is probably fair to say that the longstanding precedent regarding transparency of communications is not high on the list when it comes to making decisions on what equipment to purchase, especially when the funding comes from an outside agency. You may sense this perspective in the comments that address this particular issue. The DoD and public safety regulations are not “self-regulating” in the manner of the Amateur Service, do not have unique protections like 97.309, and therefore simply allowing anything in the Amateur Service in the name of “interoperability with other services” seems rash without some serious forethought as to its implications. Interoperability with other services for the public benefit is important and welcome, but we do need to be cautious about making that the driver of policy and upsetting the unique balance of purposes in the Amateur Service. Part 97.309 protects us from the

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<sup>2</sup> The *very first question* in the Technician (entry level license) question pool starting in July 2014 makes this fundamental distinction: “Which of the following is a purpose of the Amateur Radio Service as stated in the FCC rules and regulations?”

- (A) Providing personal radio communications for as many citizens as possible,
- (B) Providing communications for international non-profit organizations,
- (C) Advancing skills in the technical and communication phases of the radio art.
- (D) All of these choices are correct.

Another question asks, “Which of the following is a purpose of the Amateur Radio Service rules and regulations as defined by the FCC?”

- (A) Enhancing international goodwill
- (B) Providing inexpensive communication for local emergency organizations
- (C) Training of operators in military radio operating procedures
- (D) All of these choices are correct

Thus it would seem from the entry-level question pool that these priorities should be clear to anyone who acquires an Amateur license. (<http://necvec.org/downloads/2014-2018%20Tech%20Pool.txt>, retrieved Jan 7, 2014, questions T1A01 and T1A05). Note that both of these questions reference Part 97.1 as their basis.

unanticipated future by making sure that amateur licensees as a community know what is going in their own service and can adjust as required by changing technology.<sup>3,4</sup> It gives us recourse by allowing us to audit what we are doing as a whole.<sup>5</sup>

I want to make it clear that I think the symbol rate limit should be eliminated, even if only for the sake of “relatively few experimenters”, but only if we can do so in a way that does not slowly change a substantial portion of the Amateur Service into something else without any recourse. I see signs that we are heading down that road unwittingly, but that is not a topic for now, nor is really my role to tell the Commission what the Amateur Service “should” be in the future. Suffice it to say that given the intended small scope of the Petition, I fear that due diligence has not been done regarding the implications of the proposal. Hence my small-but-emphatic request for clarification of the “specified codes” to be consistent with the spirit and intent *and direction* it has provided thus far in order to keep the Amateur Service well defined and continuing to fulfil its purposes. It is that important.

Respectfully Submitted,

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<sup>3</sup> I believe that 97.309 and many other statutes in Part 97 exist to provide clear direction to the Amateur Service and to distinguish it from other services, not to provide leverage for “enforcement.” The fact that it is an issue now may be symptom of blurring lines between services and mixing of purposes. Statutes like these are not burdensome; to the contrary they provide clarity and direction to the service that is much needed in a country where it is so highly valued. If we are going to change the nature and purposes of the Amateur Service we can petition to do so, but let us not do it through the back door of incremental legislation (or in this case, incremental deregulation).

<sup>4</sup> Moreover, given the role apparently increasing role of Amateur communications in emergencies over the past decade, this rule also encourages open technologies that can be improved *directly* by those using them. In the long run this benefits the interoperability so desired. Indeed, you will see a couple commenters who are attempting to do just that. This is part of a long and valuable history in waveform and modem design in the Amateur Service, and it is encouraged by statutes like 97.309, provided we adhere to the spirit and intent.

<sup>5</sup> I believe that much of the handwringing around this proposal and future ones could be alleviated by adopting a policy within the Amateur Service that encourages that content of communications is more broadly readable in the automated networks that have been implemented to date. The Petitioner is uniquely positioned to lead that initiative should it choose to.