

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)

FURTHER REPLY COMMENTS in OPPOSITION

Petitioner, in Reply Comments thus far, has failed to overcome the remarkable lack of support from the broader community of active, concerned licensees who instead have filed Comments in Opposition to enumerated bandwidth schemes as a function of regulatory oversight in the Amateur Service.

ARRL, the small, non-profit personal interest association that is behind this Petition, needs to abandon this approach and accept the unambiguous message given to them and to the Commission by an overwhelming majority of licensees.

In both the instant proceeding and the group's previous, failed attempt at Segregation by Bandwidth (RM-11306, *ca.* 2005), thousands of licensees have formally expressed to the FCC their skepticism that a bandwidth specification was a viable alternative to the popular, accepted means of coordinating by mode the various activities available to radio hobbyists.

Moreover, Petitioner does not dispute that arraying these activities by broad modal categories remains acceptable. We see no substantiation or quantifying by Petitioner of any *substantial* problems worthy of intervention by The Commission. None of their group has testified their individual pursuit of the hobby has been blocked by the current Rules.

No one in the broader Amateur Community has clamored for a replacement to our voluntary system of coordination. In particular, no one else has identified a need for enumerated bandwidth as a workable regulatory function in a mixed-mode, predominantly unchannelized hobbyist communications service.

What you have before you is a request by less than two dozen licensees, using corporate auspices, seeking favorable treatment for a category of nascent digital communications that does not neatly fit the existing protocols we use voluntarily and by Rule.

Their group did not achieve support within their subscription base before approaching The Commission with this scheme, and now arrogantly expects licensees who today enjoy a workable system to come before you and fight their misguided alternative.

Also missing from Petitioner's Reply Comments thus far is an explanation of what motivates their group to try to use a bandwidth specification to ensure good behavior. There is nothing in the record of this proceeding or any previous regulatory or enforcement documentation that provides a basis for Petitioner's assertion an enumerated bandwidth is "needed," or plausible for the function envisioned.

Thus, the assertion fails and should be discarded as part of The Commission's rejection of this Petition.

With an Order to Dismiss, the FCC has an opportunity to firmly discourage Petitioner from further expenditure of time and resources on this issue by the Commission and licensees.

Respectfully,

Paul S. Courson
Amateur Advanced Class Licensee WA3VJB
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