

Petitioner or Commentor Statement	FACT-CHECK or RESPONSE
<p>The first claim made by the petitioner states: (i) <i>the ability to identify and monitor the radio transmissions of any data signal using readily available over-the-air interception methods by third parties, as required by Part 97.113(a)(4) and 97.119(a).</i></p>	<p>FACT-CHECK: FALSE and MISLEADING</p> <p>NO WHERE does either of the citations appear to say "monitor" "using readily available over the air interception methods" – The petitioner may <i>wish</i> these things, but they are NOT required by either of his citations. He should have made the distinction clear.</p> <p>Let me point out that at any ARES educational meeting involving hospital emergency communications, you are very likely to find speaker who is going to lecture that WINLINK and PACTOR <u>do not obscure protected health information</u>.... So his attempt here FAILS on the statements of virtually every known HIPAA expert. Further, the winlink stations which i've heard tend to identify WITH MORSE CODE at the end of their transmissions (one of the recommended ways.</p> <p>So I give this a complete fail for his first claim. And all I have to do is call any ARES expert on healthcare transmissions.</p>
<p>2nd claim of the petitioner:</p> <p>"(ii) the technical requirements to ensure wide band data does not interfere with narrow band data. While not specifically addressing wide band versus narrow band data interference, the FCC did recognize interference concerns when it issued PR Docket No. 94-593 on April 27,1995, authorizing Part 97.221, and amateurs were tasked with coming up with “novel technical and operational” solutions to interference. RM-11708 and WT 16-239 contain no such statements or acknowledge the very real problems that exist today. Twenty three years later the interference generated by Part 97.221 authorized stations still plagues the amateur bands. Without regulatory solutions in place, the interference generated by wide band data will only make the congestion worse."</p>	<p>FACT-CHECK: FALSE</p> <p>There are no apparently technical requirements "to ensure wide band data does not interfere with narrow band data."</p> <p>a) I did a search for the word "wide" or "wide band" in all of Part 97....cannot find either word. b) the petitioner apparently includes his own paragraph admitting that this has never (to his satisfaction) been addressed by the FCC.</p> <p>Having thus destroyed his own argument, the petitioner states, "Twenty three years later the interference generated by Part 97.221 authorized stations still plagues the amateur bands"</p> <p>This is an astonishingly broad claim, completely unsupported by any presented data. In my own personal experience, recent RTTY contests have a vast number of signals obliterating all other signals. RTTY stations are able to easily use a kilowatt or more power, while most winlink or similar stations use barefoot transceivers due to the fast transmit-receive latency requirements.</p>
<p>Third claim: Petitioner complains that (iii) assurances that the amateur radio service will not be used to bypass commercial internet services or be used</p>	<p>LOGICALLY DAMAGING.</p> <p>97.113(a)(5) prohibits</p>

<p>for commercial use as required by Part 97.1, 97.3(4), 97.113(a)(5), and ...”</p>	<p>(5) Communications, on a regular basis, which could reasonably be furnished alternatively through other radio services.</p> <p>How one interprets this is important.</p> <p>Using the Petitioner’s train of thought would lead to the prohibition of 2 meter FM – because the Cell Phone services could have alternatively been used for communications with friends, particularly with free conference systems.</p> <p>The same would apply to 75 meter morning friendly groups assembling.</p> <p>The Petitioner’s logic might even go so far as to say that if you could potentially use an expensive Satellite Phone where you are outside of regular cell phone service – you would be prohibited from calling your friends or getting information over your ham radio because a Satellite phone service stands ready to take your payment.</p>
<p>Petitioner’s fourth complaint: (iv) that in the case of third party digital traffic, there are questions regarding adequate vetting, by control operators of Message Forwarding Systems, of messages originating from the internet for transmission on the amateur bands, and likewise originating from an amateur radio operator for delivery to the internet, for content and sender identity, as required by Part 97.219(d) (1)(2).</p>	<p>In the petitioner’s mind there may well be “questions” but the facts are that the systems he attacks are far more secure and have far more vetting than amateur radio voice repeaters.</p> <p>Access to the WINLINK system requires an authorized amateur radio callsign – so the vetting of the identity has already occurred.</p> <p>Now lets examine the actual requirements of 97.219(d):</p> <p>(d) For stations participating in a message forwarding system, the control operator of the first forwarding station must: (1) Authenticate the identity of the station from which it accepts communications on behalf of the system; or (2) Accept accountability for any violation of the rules in this part contained in messages it retransmits to the system.</p> <p>The Petitioner did not look just a few sentences higher, to find:</p> <p>(b) For stations participating in a message forwarding system, the control operator of the station originating a message is primarily accountable for any violation of the rules in this part contained in the message.</p> <p>(c) Except as noted in (d) of this section, for stations participating in a message forwarding system, the control operators of forwarding stations that retransmit inadvertently communications that violate the rules in this part are not accountable for the violative communications. They are, however, responsible for discontinuing such communications once they become aware of their presence.</p> <p>As has been pointed out by others, the WINLINK system provides far more useful and comprehensive oversight than commonly accepted voice repeaters:</p>

	<p>– Every message is retained and available for review by the system operator who is encouraged to review. (And review by selected officials appears to have been offered by WINLINK authorities)</p> <p>– The content is already retained in black-and-white, a service far more useful for remediation of wrong-doing.</p> <p>If the Petitioner’s logic prevails....most voice repeaters will be disallowed eventually.</p>
<p>Petitioner wishes to eliminate all 500 Hz bandwidth automated stations which operate in accordance with 97.221(c):</p> <p>“6. Interference from Automatically Controlled Data Stations (ACDS), operating under 97.221(c), continue to be a major problem on the amateur bands. Many examples of complaints may be found in prior FCC documents, RM-113065 and RM-117086 among others. The absence of formal complaints may be due to the fact most of these stations are difficult to identify and the FCC has limited resources to enforce Part 97 violations, depending on amateur radio operators to self-regulate⁷. There is a vital need for the amateur radio service to remain self-policing. Yet many ACDS and data stations are unable to be intercepted by amateur operators, eliminating any ability to self-police amateur stations that use such data transmissions.”</p>	<p>UNNECESSARY and FAR-OVERBLOWN</p> <p>1. The Petitioner does not seem to understand that the 500 Hz wide stations he opposes do NOT respond unless a living human amateur radio operator (who presumably should check for other stations on the frequency first) calls them. Rather than work toward better training of amateur radio operators, he attacks innocent bystander volunteer stations.</p> <p>2. I was unable to obtain any data from the Petitioner in open questioning on QRZ.COM to substantiate his claim that this is a “major problem on the amateur bands.” The Petitioner indicated that he had documented proof of interference and overly-wide stations which he stated he had provided to 10 or more officials and for which he was not satisfied with the response.</p> <p>In an effort to track down these offending stations, I asked for more information of the Petitioner and indeed he provided me with screen shots showing various stations with 500 Hz signals that had unnecessary additional frequencies beside their main signal. In one that I examined, the amateur station appeared to have lower power sub-frequencies below their main audio signal. Presuming that this was not an artifact of the receiving system (as assured by the Petitioner) this might represent a lower-quality sound card board or improper modulation level by the amateur.</p> <p>To attempt to assist in ameliorating these complaints – which were 3 years old – I contacted the Section Manager of Nebraska, who had been in office long enough to cover the period under question. His recollection was that a thorough and competent OO had taken the information, and filed the proper information with the ARRL Headquarters, where it had been forwarded to the FCC. The Amateur Community responded appropriately to the Petitioner’s concerns.</p> <p>I was unable to reach two stations cited by the Petitioner. One was a CLUB STATION where inexperienced people might well be learning.</p> <p>I am unable to find that this is a major problem; the Section Manager of Nebraska was of the same opinion, and thus it does not seem necessary to remove an entire class of lawfully operating automatic stations with only 500 Hz bandwidth.</p>

	<p>Furthermore these stations provide a useful additional emergency mechanism for emergency traffic if the fully automatic stations in the narrow slivers allowed for such operation (only 5 kHz on 40 meters) are overloaded in a major national emergency. The petitioner's request would damage the high speed digital amateur radio service to the nation in an emergency.</p>
<p>Petitioner wishes to change FCC regulations as follows:</p> <p>(4) An amateur station transmitting a RTTY or data emission using a digital code specified in this paragraph may use any technique whose technical characteristics have been documented publicly and the protocol used can be monitored, in its entirety, by 3rd parties, with freely available open source software, for the purpose of facilitating communications.</p>	<p>DANGEROUS AND UNNECESSARY ATTACK ON PRIVATE INTELLECTUAL PROPERTY</p> <p>The Petitioner is demanding "freely available open source software" versus the current FCC regulation requiring public documentation of technical characteristics.</p> <p>What is the impact of this?</p> <p>Techniques which the Petitioner abhors (Pactor II and Pactor II) have been in use for many years, as long as 16 years without destruction of the amateur community – yet now the Petitioner wishes to demand the source code from their owner.</p> <p>In accordance with the FCC Regulations, the owners of those technologies have publicly provided technical characteristics of their systems.</p> <p>Pactor II https://www.p4dragon.com/download/PACTOR-2 Protocol.pdf</p> <p>Pactor III https://www.p4dragon.com/download/PACTOR-3 Protocol.pdf</p> <p>In open conversation on QRZ the petition himself acknowledged that a firm offers software to decode PACTOR transmissions, and other posts indicated free underground software was also available.</p> <p>Thus the requirements of the FCC have been satisfied, but not those of the petition who wishes to remove the intellectual property rights of the owner for their private implementation of the modes.</p> <p>That is a dangerous position to take for the future of amateur radio as it would remove significant interest from private firms to develop new systems and modes for amateur radio. It is completely unnecessary since any interested parties can replicate their systems, given sufficient desire.</p> <p>Since all WINLINK transmissions are stored in black-and-white; and PACTOR transmissions can be read by any person sufficiently desirous to purchase a publicly available PACTOR modem either new or used (Ebay)....there is no problem with monitoring amateur radio transmissions.</p> <p>Concerns for national security (the petitioner has elsewhere cited</p>

