

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of)
)
Amendment of Part 97 of the Commission’s) WT Docket No. 16-239
Amateur Radio Service Rules to Permit Greater)
Flexibility in Digital Data Communications)

**REPLY COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the National Association for Amateur Radio (“ARRL” or “League”), respectfully submits these reply comments to address comments on the Petition for Declaratory Ruling filed in the above-referenced proceeding on behalf of New York University (“NYU”).¹

The League has supported transparency and openness in Amateur Radio communications in this proceeding, as it has in past proceedings.² The League also supports robust and open experimentation and development of all relevant technologies within the Amateur Service, including with the digital coding and techniques that are at the center of modern communications development.

The League does not support limiting experimentation and use of digital techniques in the Amateur Service without a clearly demonstrated need for doing so. As stated in our earlier comments, any such limitation would be unique to the United States. There is no public interest

¹ See Petition of New York University for Declaratory Ruling (filed Oct. 24, 2019) (“NYU Petition”); FCC Public Notice, DA 19-1130, WT Docket No. 16-239 (Nov. 1, 2019).

² See ARRL Comments in RM-11699, Petition for Rulemaking to Amend Part 97 of the Commission's Rules Governing the Amateur Radio Service to Provide for Encrypted Communications (filed July 8, 2013); ARRL, Comments (on the NYU Petition), WT Docket No. 16-239 (filed Dec. 2, 2019).

in prohibiting or limiting experimentation with digital techniques in this country, particularly so when no similar limitations would apply elsewhere.

We emphasize that all such experimentation and use already is subject to the openness and transparency mandated by the international *Radio Regulations* and the Commission's Rules. The comments in this proceeding fail to make even a *prima facie* case that the rules are insufficient for this purpose. The current regulatory scheme unambiguously requires that digital techniques be lawful, not encrypt within the meaning of Section 97.113(a)(4),³ and publicly documented within the meaning of Section 97.309(a)(4)⁴ so that others can decode and experiment.

Herein we do not repeat our earlier comments that address the NYU Petition. That the basis for the Petition is without merit was made clear when a fifty-dollar Raspberry Pi and free software was shown to allow the decoding and display of messages sent using the dynamic compression algorithm NYU's Petition claims is impossible to decode. It turns out that the subject dynamic compression technique, which is the lynchpin of the Petitioner's argument, originally was developed more than 25 years ago as completely open source software.

Beyond the issue of dynamic compression, the record in this proceeding offered as support for NYU's Petition is marked by speculation and bare unsubstantiated assertions that encrypted communications are taking place on Amateur Radio frequencies. Shorn of bare assertions, there was and is no actual evidence to support the arguments that openness and transparency are being violated by the use of any particular digital mode or technique. For the future, the current rules are clear and sufficient to address the appearance of signals containing

³ 47 C.F.R. § 97.113(a)(4).

⁴ 47 C.F.R. § 97.309(a)(4).

encrypted content or insufficiently documented techniques that might appear in the Amateur bands.

Perhaps a pause and basic sanity check is needed when a bare-faced assertion is made that techniques employed worldwide by Radio Amateurs on a daily basis — even in relatively closed and encrypted-intolerant societies such as Russia and China — are encrypted and should be banned in the United States. The inescapable reality that the International Telecommunications Union (ITU) specifically promotes use of the same digital techniques for Radio Amateurs to employ at times of disaster is another cautionary sign. It would be odd indeed for the Commission to ban legitimate Amateur modes and techniques that otherwise are freely used around the world.

At the core of the Amateurs' ability to experiment and test various communications methods is the freedom to explore and experiment with existing and new technologies. This freedom should not be circumscribed without strong and objectively demonstrated reason.

Respectfully submitted,

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ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO

By:

A handwritten signature in blue ink that reads "DR Siddall". The initials "DR" are written in a stylized, cursive font, followed by the name "Siddall" in a similar cursive script.

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