

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

In the Matter of:	)	
	)	
Amendment of Parts 1, 2, 15, 25, 27, 74, 78,	)	
80, 87, 90, 97, and 101 of the Commission's	)	ET Docket No. 12-338
Rules Regarding Implementation of the Final	)	(Proceeding Terminated)
Acts of the World Radiocommunication	)	
Conference (Geneva, 2007) (WRC-07), Other	)	
Allocation Issues and Related Rule Updates	)	
	)	
Amendment of Parts 2, 15, 80, 90, 97 and	)	
101 of the Commission's Rules Regarding	)	
Implementation of the Final Acts of the World	)	ET Docket No. 15-99
Radiocommunication Conference(Geneva, 2012))	)	
(WRC-12), Other Allocation Issues and Related	)	
Rule Updates	)	
	)	
Petition for Rulemaking of Xanadoo Company	)	
and Spectrum Five LLC to Establish Rules	)	
Permitting Blanket Licensing of Two-Way Earth	)	IB Docket No. 06-123
Stations with End-User Uplinks in the 24.75 to	)	
25.05 GHz Band	)	
	)	
Petition for Rulemaking of James E. Whedbee	)	
to Amend Parts 2 and 97 of the Commission's	)	PRM-09ET (11/25/2009)
Rules to Create a Low Frequency Allocation for	)	
the Amateur Radio Service	)	
	)	
Petition for Rulemaking of ARRL to Amend	)	
Parts 2 and 97 of the Commission's Rules to	)	
Create a New Medium Frequency Allocation	)	
<u>Allocation for the Amateur Radio Service</u>	)	

To the Commission:

**REPLY COMMENTS OF JAMES E. WHEDBEE**

COMES NOW Petitioner, JAMES EDWIN WHEDBEE, undersigned, who pursuant to Sections 1.415 and 1.419 of the Commission's Rules and Regulations respectfully submits his reply comments in the above-captioned proceeding to the commenters of record regarding the LF and new MF allocations for the Amateur Radio Service, and particularly, all amateur radio licensees and the Utilities Telecom Council ("UTC" hereinafter).

[1] **LF Allocation Consensus**

(a) *Generally.*

All parties concur that mutual coexistence may proceed as to the LF Allocation. What once was rejected out of hand is now agreed: amateur radio and the electrical utilities have the will and ability to coexist harmoniously in the 135.7-137.8 kHz band. Well and good...since we all agree, I urge the Commission to adopt service rules in Part 97 quickly which, consistent with such consensus, authorizes amateur radio in the USA to begin using a band so many other nations, including our neighbors to the north in Canada, have already.

*(b) Phased Entry of General, Advanced, and Amateur Extra Licensees; Denied Entry of Novice and Technician Licensees.*

UTC in particular has concurred in the proposal I put forward to allow a phased entry by the Amateur Radio Service into the LF band. For reasons already stated by me in my original comments (and, therefore, omitted here for brevity), the most experienced amateur licensees must be first to access the spectrum. My proposal, as well as ARRL's, expressly denies access to the LF Allocation by Technician and Novice Class amateur licensees because such licenses are entry-level, and therefore, do not yet reflect the degree of experience requisite for the preservation of an already fragile relationship between the electrical utilities and amateur radio...a relationship which is more important than how many licensees are initially permitted to gain access to this band. Therefore, incorporating same herein by reference, I hereby reassert my Comments and Omnibus Informal Request herein.

*(c) Middle-of-the-Road Approach to Coordination.*

Various amateur radio commenters have suggested zero coordination, prior notification, or cooperation with electrical utilities should be required of amateur radio licensees prior to engaging in LF operations. More still suggest varying distances from power lines carrying PLC signals. The UTC desires an escalating system of coordination that, effectively, substitutes the UTC's judgment for the FCC's as regards the fitness of a licensee to operate by requiring electrical utility approval before operation is allowed (despite licensure).

I hold that a one kilometer separation is what was suggested and represents the best compromise amongst all ideas presented. My recommendation in the original Comments and Omnibus Informal Request represents the most cogent middle-of-the-road approach suggested on the record to date; accordingly, it is the best compromise to adopt as service rules for LF operation by the amateur radio service. Given that other radio services (broadcast auxiliary, for

example) must place notices of construction in ULS as they put stations on the air, that seems the most reasonable way for the amateur radio service to proceed insofar as the LF allocation. In conjunction with such LF Notice of Construction, amateur radio operators should directly notify affected electrical utilities of the placement of a fixed station in operation on the LF band. If no objection from the affected utility is received by the Commission within 30 days of the notice's filing, the amateur radio licensee may proceed to operate on the LF band under the privileges for his/her operator class (already put forward in my Comments and Omnibus Informal Request).

When/if an amateur radio operator upgrades his/her license, the same process shall be followed; however, until then, on the LF frequencies, the station may only use the frequencies and power levels for the lower class license until 30 days elapse since notice is filed and no objection is received. Again, this system of notification and informal objection already exists within the Commission's ULS database and has functioned with tremendous success; accordingly, the Commission isn't being asked to adopt a new layer of regulation it doesn't already possess and have in place for other radio services. Furthermore, amateur radio licensees who do not wish to participate in LF Band operations need not do anything; accordingly, there is no increased regulatory burden upon existing radio amateurs unless and until they anticipate commencing LF operations.

If UTC or one of the electrical utilities state an Informal Objection to the amateur radio licensee's Notice of Construction, both parties would have to make a good faith effort to negotiate a solution prior to Commission involvement, presumably to include documentation of such efforts. If they couldn't come to a workable compromise, the Commission would eventually make the decision. Because of the deliberative nature of such a situation within existing rules and regulations, no new regulations need to be adopted; however, the Commission may need to point to the appropriate provisions in its Part 1 Rules and Regulations in Part 97 for this procedure. Pending the outcome of negotiations and/or the Commission's adjudication of their dispute, the proposed amateur radio operations by a given licensee in the LF Band will be held in abeyance.

This also precludes the need to elevate the status of PLC systems above Part 15 status (notably, with mention in Part 90). If there is no objection to a proposed amateur radio licensee operating in the LF Band, or the objection is overcome through either negotiations or Commission-adjudication, the UTC's request to elevate PLC systems' status is effectively honored already. Anything more is redundant.

(d) *Unrefuted Positions.*

The remainder of the undersigned's original Comments and Omnibus Informal Request stand unchallenged. Accordingly, I highly advise their adoption into the Part 97 service rules.

[2] **MF Allocation.**

(a) *Reasons and Bases for Withholding the New MF Allocation to Amateur Radio are Specious.*

The reasons and bases put forward by UTC for withholding the new MF Allocation to the Amateur Radio Service are identical to those the Commission rejected as regards the LF Allocation in WT Docket No. 12-338; accordingly, those require no further challenges than the Commission's own previous decision in a related proceeding. The WRC-12 has spoken, and treaty obligations in the USA are law of the land; therefore, the new MF Allocation should go forward.

(b) *Reassertion of Comments and Omnibus Informal Request.*

Nothing in the comments of the amateur radio community or the UTC suggest that the framework put forward in my Comments and Omnibus Informal Request shouldn't proceed as the service rules, much in like fashion as with the LF Allocation. I will concede; however, as to the phased entry, rather than independent phase-in dates for each band, should the Commission find it convenient, I would be amenable to the Commission adopting the same phase-in dates by operator class for the new MF Allocation as would be put in place for the LF Allocation, should my suggestions there also be adopted.

[3] *All Other Issues and Related Matters.*

There remains nothing to be pursued inasmuch as the allocations are concerned. However, I have submitted my Reply Comments late because of the volume of Comments and Reply Comments submitted at the last minute during these proceedings; accordingly, pursuant to Section 1.41 of the Commission's rules, I request informally that these Reply Comments be deemed timely submitted, if other Commission action does not render this request moot, for the reason that these few extra days were necessary to read and consider those comments and reply comments before responding.

[4] *Service Rule Language.*

Other commenters have put forward technical and legal language as proposed service rules which would, in my view, be easily adaptable to the proposals I have put forward and were acceptable to UTC; therefore, I will not suggest any particular language at this time unless the Commission invites me to do so later.

WHEREFORE, the foregoing considered, I ask the Commission to adopt service rules consistent with the foregoing.

Respectfully Submitted:

October 3, 2015

A handwritten signature in black ink, appearing to read 'James E. Whedbree', with a stylized flourish at the end.

JAMES E. WHEDBEE  
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Petitioner