



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

December 8, 2009

DA 09-2559

Murray Green
5730 Lockwood Road
Cheverly, MD 20785

Re: Petition for rulemaking

Dear Mr. Green:

This is in response to your petition for rulemaking concerning the operation of repeater stations in the amateur service.¹ Specifically, you request that the Commission amend Section 97.205(e) of its Rules² to prohibit a repeater station licensee or control operator from limiting the use of a repeater to only certain user stations, unless a user blatantly violates the Commission's Rules. You argue that Section 97.205(e), which permits a repeater station licensee or control operator to limit the use of a repeater to certain user stations, conflicts with Section 97.101(b),³ which states that no frequency is for the exclusive use of a particular amateur station, and each station licensee must cooperate in selecting transmitting channels and in making the most effective use of the amateur service frequencies.⁴ For the reasons set forth below, we dismiss the petition.

We conclude that Section 97.205(e) does not establish an exclusive assignment of a frequency to a repeater. With regard to your contention that a coordinated closed repeater has exclusive control of an amateur service frequency, we note that coordination is not required as a condition of operating a repeater.⁵ Coordination does not and cannot result in assignment or establish control of an amateur service channel, and nothing in the rules prohibits other amateur stations from using the channels for which a repeater has been coordinated when they are not being used by the repeater. Section 97.205(e) merely enables a repeater licensee or control operator to control the repeater, so that he or she can ensure the repeater is properly operated as required by Section 97.105(a).⁶ Accordingly, there is no conflict between the rules, and no grounds for the Commission to propose to amend Section 97.105(a).

¹ Petition by Murray Green, Amateur Radio Operator, K3BEQ (filed Mar. 24, 2009) (Petition).

² 47 C.F.R. § 97.205(e).

³ See 47 C.F.R. § 97.101(b).

⁴ Petition at 1. You argue that Section 97.205(e) permits "a pay for use policy in the Amateur Radio Service, enables user censorship and intimidation, breeds on the air inactivity by not using frequencies effectively and creates a negative public image." *Id.* at 2.

⁵ See 47 C.F.R. § 97.205(c). Coordination consists of a recommendation by a frequency coordinator of transmit/receive channels and/or associated operating and technical parameters for the repeater in order to avoid or minimize potential interference. See 47 C.F.R. § 97.3(a)(22).

⁶ See 47 C.F.R. § 97.105(a). Questions concerning the impact of the operational decisions of a repeater control operator, licensee, or trustee, such as limiting the repeater's use to certain stations, should be addressed to the local frequency coordinator so that repeater problem can be expeditiously dealt with at the local level by people with first-hand knowledge of the facts.

Murray Green

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.407 of the Commission's Rules, 47 C.F.R. § 1.407, the petition for rulemaking submitted by Murray Green on March 24, 2009, IS DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau