



PUBLIC NOTICE

Federal Communications Commission
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DA 19-1130

Released: November 1, 2019

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON NEW YORK UNIVERSITY PETITION FOR DECLARATORY RULING REGARDING AMATEUR RADIO COMMUNICATIONS

WT Docket No. 16-239

Comment Date: December 2, 2019

Reply Comment Date: December 17, 2019

By this Public Notice, the Wireless Telecommunications Bureau seeks comment on a Petition for Declaratory Ruling filed on behalf of New York University (NYU).¹ NYU seeks a declaratory ruling that section 97.113(a)(4) of the Commission's rules² prohibits the transmission on amateur radio frequencies of "effectively encrypted or encoded messages, including messages that cannot be readily decoded over-the-air for true meaning."³

Section 97.113(a)(4) prohibits amateur stations from transmitting "messages encoded for the purpose of obscuring their meaning."⁴ NYU argues that dynamic compression techniques effectively encrypt or encode communications in violation of the rule because they allow only two linked stations to complete a transmission without error, and thus have the practical effect of obscuring messages for anyone other than the sender and receiver.⁵

We seek comment on the issues raised by NYU's petition.

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.⁶ All filings must refer to **WT Docket No. 16-239**.⁷ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁸

¹ Petition of New York University for Declaratory Ruling (filed Oct. 24, 2019) (Petition), viewable at <https://ecfsapi.fcc.gov/file/10242392005642/NYU%20Wireless%20Petition%20for%20Declaratory%20Ruling%20-%2010.24.19.pdf>.

² 47 CFR § 97.113(a)(4).

³ Petition at 1, 2; *see also id.* at 6 ("Section 97.113(a)(4) prohibits the transmission of messages that cannot be decoded over-the-air for true meaning under reasonable propagation conditions").

⁴ 47 CFR § 97.113(a)(4).

⁵ *See* Petition at 3-4.

⁶ *See* 47 CFR §§ 1.2, 1.405, 1.419.

⁷ While the Petition was filed in multiple dockets, comments and reply comments to the Petition should be filed only in WT Docket No. 16-239. We note that the issues raised in the Petition also have been discussed in previous filings in that docket. *See, e.g.*, Letter from Theodore S. Rappaport, (filed Apr. 3, 2019); Letter from Theodore S. Rappaport and Michael J. Marcus (filed July 24, 2019).

⁸ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Commission’s online Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

⁹ 47 CFR §§ 1.1200 *et seq.*

Additional Information. For further information regarding this Notice, please contact Paul Moon, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-1793, or by e-mail to paul.moon@fcc.gov.

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