

**Subject:** White Paper regarding International Traffic

First I think it is important to review the Part 97 FCC rules and regulations. There are several pertinent sections

### 97.3 Definitions

Definition (47) Third party communications. A message from the control operator (first party) of an amateur station to another amateur station control operator (second party) on behalf of another person (third party).

#### 97.115 **Third party communications.**

(a) An amateur station may transmit messages for a third party to:

(1) Any station within the jurisdiction of the United States.

(2) Any station within the jurisdiction of any foreign government when transmitting emergency or disaster relief communications and any station within the jurisdiction of any foreign government whose administration has made arrangements with the United States to allow amateur stations to be used for transmitting international communications on behalf of third parties. No station shall transmit messages for a third party to any station within the jurisdiction of any foreign government whose administration has not made such an arrangement. **This prohibition does not apply to a message for any third party who is eligible to be a control operator of the station.**

**Thus amateur to amateur messaging/communication is clearly and precisely defined as SECOND PARTY communications. Together with the statement that the prohibition of third party traffic does not apply for any third party who is eligible as a control operator (i.e, has a valid amateur radio license) clearly shows that any amateur to amateur communications is SECOND party and not not depend on the location or jurisdiction of any station. Any direct amateur to amateur communications is clearly NOT third party.**

The other argument is that the amateur recipient is the control party and that since the message was relayed/transmitted via HF, that recipient cannot hold a Technician class license since they have a very limited number of HF authorized frequencies they can use.

This is a non logical statement. The recipient of the radiogram message does not have any control operator responsibilities or duties on the individual stations that have handled the message prior to his receiving it, even if any of the stations handled the message via HF. It is the responsibility of the control operator of each individual relay station to control their own station not any of the ones that might handle the message upon additional relay. In the particular case of the messages from Peter DF0NTS in Germany the two stations and control operators responsible are exactly DF0NTS and WB2FTX and the messages were transferred via high speed Pactor on 20 meters within the automatic control sub bands authorized under FCC regulations.. Those two operators also have no control operator responsibilities or duties

concerning any other station that takes this message from WB2FTX and forwards it on to its final destination and ultimate delivery.

If you logically follow this Technician licensee control operator prohibition idea concerning a message whose path may have involved relay via other stations via HF you will come to two very absurd conclusions.

The first one of these is if this is true then any amateur licensee holding Technician class operating privileges could NEVER legally accept any message that was or might have been handled on HF.

This includes this Tech class operator operating as part of a NTS traffic net on his authorized frequencies on a 2 meter or other repeater or using packet radio or any other digital mode on his authorized frequencies.

The converse would also then be true and equally absurd. A Technician class operator could NEVER legally originate and/or send any message or communication whose path toward its ultimate destination and delivery involves or might involve this message being handled or relayed by one or more stations operating on HF.

Since both of these activities are permitted for Technician level licensees and occur following FCC Rules and Regulations on a daily basis, this whole argument therefore falls apart.

Again, each individual operator has the control operator requirement and responsibility only over the station they are operating. They do not have any control operator responsibilities over any station they are communicating with directly nor any stations that might have handled the message on the way to its final destination and delivery. The stations that handled the message via HF obviously have and exercise the appropriate HF control operator duties, not the final recipient or deliverer of the message.

I hope this might help to sort out these questions. Ultimately it is up to each individual operator to decide for themselves. Clearly if you still think that messaging from amateur to amateur station, even those involving stations outside of the United States is questionable, then just don't personally handle those messages. Don't deny others the opportunity.