

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)	
)	File No. EB-04-BS-111
Glenn A. Baxter)	NAL/Acct. No. 200532260001
RR 1 Box 776)	FRN 0013164975
Belgrade Lakes, ME 04918)	
)	
Licensee of Amateur Radio Station K1MAN)	

**PETITION FOR LEAVE
TO FILE AMICUS PLEADING**

1. REC Networks ("REC") through it's principal, Rich Eyre, an Advanced-class Amateur Radio operator¹, files the following *Petition for Leave to File Amicus Pleading* ("Petition") in the above captioned proceeding ("proceeding").
2. Specifically, we intend to raise an issue in the *Notice of Apparent Liability of Forfeiture ("NALF")* and the potential impacts that statements made in the NALF could have on the amateur radio community, specifically the utterance of internet web site addresses over Amateur Radio.
3. REC is not a party to this proceeding however we feel that either a partial reconsideration or declaratory ruling is warranted to assure that the amateur radio community can continue to promote the hobby while staying in compliance with Commission regulations.
4. For this reason, we petition the Commission to accept our *Petition* in this proceeding as an *amicus* pleading².

Respectfully Submitted,

/S/_____

Rich Eyre for

REC Networks

P O Box 40816

Mesa, AZ 85274-0816

rec@recnet.com

<http://www.recnet.com>

¹ - Call sign: K7REC.

² - See *Peninsula Communications Inc.*, EB Docket No. 02-21, File No. EB-01-IH-0609. In this case, a pleading by KSRM was not a party to the proceeding and lacks standing to file pleadings however comments made would assist in the proceeding and therefore was granted leave to file the comments as amicus. Like KSRM, REC is not a party to this proceeding and lacks standing to file proceedings, however issues raised in the proceeding will have impacts on how amateur stations, radio clubs and organizations conduct themselves on the air. REC will not reap any personal gain from this *Petition* or *Motion* but the outcome could impact all amateur licensees. For this reason, we feel that acceptance of this *Petition* and *Motion* are in the public interest.

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**MOTION FOR PARTIAL RECONSIDERATION
OR DECLARATORY RULING**

1. REC Networks ("REC") through its principal, Rich Eyre, an Advanced-class Amateur Radio operator³, files the following *Motion for Partial Reconsideration or Declaratory Ruling* ("Motion").
2. In this *Motion*, we are asking to Commission to reconsider and/or clarify statements made in the *Notice of Apparent Liability for Forfeiture* ("NALF") in the above captioned proceeding as it pertains to Commission policy towards the utterance of uniform resource locators ("URL") of internet websites in the Amateur Radio Service. REC is not raising any issues around other matters in the NALF nor are we requesting that the Commission adjust any monetary forfeiture in this case. We are concerned solely with potential precedence that may arise as a result of statements made in the NALF.
3. In the NALF, the Commission makes numerous references that Glenn A. Baxter ("Baxter") made "on-the-air references to his web page"⁴. The NALF also states that the website was offering products for sale including a newsletter⁵.
4. In this age of the Internet, amateur radio clubs, organizations and even individual amateurs provide internet web sites to provide news, information, software to assist amateur operations and more importantly the tools and information necessary to promote the Amateur Radio Service to potential newcomers to the hobby.
5. While Baxter's website (www.k1man.com) shows banner advertising for an American Amateur Radio Association ("AARA") affinity credit card, we do note that the website of the American Radio Relay League (www.arrl.org) also has an advertisement for an affinity credit card. Both websites also sell products as well as the AMSAT North America website (www.amsat-na.com). Websites that provide bulletin services relating to Amateur Radio such as the Amateur Radio Newsline (www.arnewsline.org) provide links to amateur radio equipment manufacturers for which they may or may not receive any consideration for. Other bulletin services such as This Week In Amateur Radio (www.twiar.org) have on-

³ - Call sign: K7REC.

⁴ - NALF at 2, 7, 11 and 14.

⁵ - NALF at 2.

line "stores" where listeners may purchase items and proceeds fund the bulletin service. Those websites as well as hundreds of websites operated by amateur radio clubs use their websites to solicit membership. Personal websites of amateurs, such as those operated through providers like Yahoo GeoCities are provided free of charge to the individual by the hosting provider. In return for the free hosting, the individual's website has banner advertising placed on it by the hosting provider. These websites are frequently uttered over amateur radio either by the organization or individual operating the website or another unrelated party.

6. REC is concerned that the actions taken by the Boston District Director in referring to the utterance of a web site address that happens to have some commercial advertising on it (regardless of whether the person or organization uttering the address receives any pecuniary interest from the website) could lead to situations where amateur radio clubs, organizations, news bulletin services or individual amateurs uttering such addresses over the air be subject to enforcement action. Therefore, we ask the Commission to either reconsider those portions of the NALF that pertain to the "on-air" references to a website or in the alternate, a declaratory ruling on the appropriateness of uttering a reference to a web site over Amateur Radio.

7. REC's petition is limited to only the language in the NALF referring to the uttering of URLs over Amateur Radio. We are not asking for any increase or decrease to the monetary forfeiture nor do we have a position on any of the other aspects of this NALF including any violations of Section 97.113(a)(3) of the Rules not pertaining to on-air references to websites.

Respectfully Submitted,

/S/ _____

Rich Eyre for

REC Networks

P O Box 40816

Mesa, AZ 85274-0816

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<http://www.recnet.com>

CERTIFICATE OF SERVICE

This is to certify that a copy of this pleading has been served via US Mail upon the party:

Glenn A. Baxter

RR 1 Box 776

Belgrade Lakes, ME 04918

Licensee of Amateur Radio Station K1MAN