



Federal Communications Commission  
Washington, D.C. 20554

March 23, 2009

DA 09-657

Mr. Gary R. Mitchell  
President, Northern California Packet Association  
P.O. Box K  
Sunnyvale, CA 94087

Re: Petition for Declaratory Ruling filed December 5, 2007

Dear Mr. Mitchell:

This is in response to the petition for declaratory ruling that you filed on December 5, 2007, requesting that the Commission clarify the definition of a repeater in the amateur service rules.<sup>1</sup> A repeater in the amateur service is defined as “[a]n amateur station that simultaneously retransmits the transmission of another amateur station on a different channel or channels.”<sup>2</sup> You seek clarification of whether the word “simultaneously” in the definition refers to the signal information being retransmitted, or to the fact that the receiver and transmitter must both be active at the same time while acting on the same signal information.

Section 97.205(b) of the Commission’s Rules specifies the bands on which amateur repeater stations may operate.<sup>3</sup> You state that some amateur radio operators are operating on bands other than those set forth in Section 97.205(b) with systems that are essentially voice repeater stations, but that digitize and retransmit the user’s voice, on the theory that because there is a small delay in retransmitting the signal of another amateur station, the signal is not “simultaneously” retransmitted and, therefore, the system is not a repeater.<sup>4</sup>

Prior to 1994, a repeater was defined as “[a]n amateur station that automatically retransmits the signals of other stations.”<sup>5</sup> The Commission revised the definition in order to clarify that certain accommodations for message forwarding systems do not apply to other operating activities such as repeaters and auxiliary stations.<sup>6</sup> The Commission proposed to define a repeater as “[a]n amateur station that instantaneously retransmits the transmission of another amateur station on a different channel or channels,” but ultimately replaced “instantaneously” with “simultaneously” because commenters noted

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<sup>1</sup> See Petition for Declaratory Ruling (filed December 5, 2007) (Petition).

<sup>2</sup> See 47 C.F.R. § 97.3(a)(39).

<sup>3</sup> 47 C.F.R. § 97.205(b).

<sup>4</sup> Petition at 1.

<sup>5</sup> See 47 C.F.R. § 97.3(a)(35) (1993).

<sup>6</sup> See Amendment of Part 97 of the Commission's Rules Concerning Message Forwarding Systems in the Amateur Service, *Report and Order*, PR Docket No. 93-85, 9 FCC Rcd 1786, 1788 ¶ 6 (1994).

that there is always a small propagation delay through a repeater.<sup>7</sup> As one commenter explained, “The word ‘simultaneously’ in this case means that the repeater is receiving and transmitting concurrently, whereas each signal might be slightly displaced in time between receive and transmit.”<sup>8</sup>

To be able to repeat another station's transmission, a repeater must be able to receive a transmission from another station and retransmit it. Because the word "simultaneously" in the definition is used to modify "retransmit," we believe it refers to a repeater station's transmitter being active when retransmitting the signal received by the repeater station's receiver from another amateur station. We conclude, therefore, that “simultaneously” as used in the definition of a repeater refers to the receiver and transmitter both being active at the same time.

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 1.2 of the Commission's Rules, 47 C.F.R. § 1.2, the Petition for Declaratory Ruling filed on December 5, 2007 by Gary R. Mitchell IS GRANTED to the extent indicated above.

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 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>7</sup> *Id.*; see American Radio Relay League (ARRL) Comments at 16; Colorado Council of Amateur Radio Clubs Comments at 3.

<sup>8</sup> See ARRL Comments at 16.