

MEMORANDUM OF UNDERSTANDING BETWEEN THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED AND THE NATIONAL FREQUENCY COORDINATORS' COUNCIL, INCORPORATED

I. Purpose

The purpose of the Memorandum of Understanding ("MOU") is to document the relationship between the American Radio Relay League, Inc., ("the ARRL") and the National Frequency Coordinators Council, Inc., ("the NFCC"). This MOU makes explicit the principles and organizational commitments which the ARRL and the NFCC have acknowledged and agreed upon. The ARRL and the NFCC have in common the recognition of the importance of orderly frequency coordination processes in serving the best interests of the Amateur Radio community in the territory where Amateur Radio is regulated by the Federal Communications Commission ("the FCC").

II. Organization Descriptions

The ARRL is the national membership association for Amateur Radio in the United States. The ARRL is a not-for-profit 501(c)(3) corporation with headquarters in Newington, Connecticut. It engages in the promotion of interest in Amateur Radio communication and experimentation; the establishment of Amateur Radio networks to provide electronic communications in the event of disasters or other emergencies; the furtherance of the public welfare; the advancement of the radio art; the fostering and promotion of noncommercial intercommunication by electronic means throughout the world; the fostering of education in the field of electronic communication; the promotion and conduct of research and development to further the development of electronic communication; the dissemination of technical, educational, and scientific information relating to electronic communication; and the printing and publishing of documents, books, magazines, newspapers and pamphlets necessary or incidental to any of the above purposes. The ARRL advocates on behalf of Amateur Radio to legislative bodies and regulatory agencies.

The NFCC is a Nebraska Non Profit Corporation. The purpose for which the corporation is organized is to establish recognition of Amateur Radio frequency coordination by the Federal Communications Commission, the American Radio Relay League, and all Amateur Radio licensees. This goal is to be fulfilled by the Corporation by the following activities:

(1) To facilitate the exchange of information and general cooperation between members, the Federal Communications Commission (FCC), the American Radio Relay League, Inc. (ARRL), and any other legislative or regulatory arm of the Federal government pertaining to the Amateur Radio Service, and specifically the coordinated use of repeaters and other relay devices and systems, and amateur stations using shared bands utilized by fixed-station repeater and relay devices and systems. Such information would include such things as lists of frequency coordinators; proposed and current policies, procedures and regulations pertaining to coordinator recognition and succession of coordinators; proposed and current federal policies affecting Amateur Radio systems operations; pending and current FCC submissions and determinations, including Petitions for Rule Making, Notices of Proposed Rule Making, and Report and Order releases affecting Amateur Radio repeater and relay systems and the cooperative coordination of the same for interference avoidance.

- (2) To operate as, or to facilitate, a Single-Point-Of-Contact (SPOC) between the FCC and the Amateur Radio frequency coordinating community.
- (3) To promote responsible coordination of the use of Amateur Radio operations in FCC-authorized HF, VHF, UHF, and SHF frequency sub-bands and promulgate proper policies for cooperation and interference avoidance among and between users.
- (4) To facilitate arbitration of disputes involving Amateur Radio frequency coordination. This will be accomplished by encouraging local resolution of disputes as well as appointment of arbitrators to conduct binding arbitration in accordance with the American Board of Arbitration procedures; the costs of such to be borne by the parties to the arbitration.
- (5) To establish standards of performance for fulfilling the duties of coordinators and to address issues of succession so as to assure continuity of coordination within each geographic area. This may include separate or multiple coordinators for the various bands and emission types authorized within the area.

III. Acknowledgements and Commitments: The ARRL

The ARRL acknowledges the following principles and will fulfill the following commitments:

- A. The ARRL is not a frequency coordinator, has no interest in becoming one, and commends the efforts of individuals and organizations who volunteer as coordinators.
- B. The ARRL will promote and encourage participation by the Amateur community in the frequency coordination process as being good Amateur practice.
- C. The ARRL will continue devoting organizational resources to the defense of spectrum privileges, including the bands used for repeater operations.
- D. The ARRL acknowledges that in accordance with FCC policy statements, there may be more than one organization recognized as a frequency coordinator for a particular band in a local or regional area by Amateur operators whose stations are eligible to be auxiliary or repeater stations .
- E. The ARRL will publish the contact information for recognized frequency coordinators in appropriate ARRL media, to assist repeater sponsors and users seeking to communicate with the coordinators.
- F. The ARRL acknowledges that in some cases, local conditions may dictate a variation from national band plans developed by the ARRL. In these cases, the written determination of regional frequency coordinators shall prevail and be considered good Amateur operating practice in that region.

- G. The ARRL will encourage orderly experimentation with new technologies including those used in repeater operations and will consider addressing any regulatory impediments to the use of new repeater and related technologies with which the Amateur Radio community wishes to experiment.
- H. The ARRL offers our alternative dispute resolution (ADR) service to the NFCC in resolving problems arising between frequency coordinators, without regard to whether or not the frequency coordinators are members of the NFCC.
- I. The ARRL will post a link to the NFCC's own web site from the ARRL's web site.

IV. Acknowledgements and Commitments: The NFCC

The NFCC acknowledges the following principles and will fulfill the following commitments:

- A. The NFCC acknowledges that the ARRL is the principal defender of Amateur Radio spectrum privileges in the territory where Amateur Radio is regulated by the Federal Communications Commission and will endorse ARRL efforts in spectrum protection to the extent possible.
- B. The NFCC acknowledges that in accordance with FCC policy statements, there may be more than one organization recognized as a frequency coordinator for a particular band in a local or regional area by Amateur operators whose stations are eligible to be auxiliary or repeater stations .
- C. The NFCC acknowledges that membership in the NFCC confers no preferential status upon a frequency coordinator.
- D. The NFCC agrees to adopt principles making NFCC membership open to all recognized frequency coordinators as defined by the FCC in §97.3(a)(22).
- E. The NFCC agrees to develop standards that accommodate newly-organized frequency coordinators which have been recognized by Amateur operators whose stations are eligible to be auxiliary or repeater stations, without compromising the efforts of existing frequency coordinators in a given geographical area. The NFCC further agrees to develop standards recommending methods for the replacement of frequency coordinators that, in the opinion of the Amateur operators whose stations are eligible to be auxiliary or repeater stations, are no longer performing required functions.
- F. The NFCC will promote cooperation, including sharing of coordination principles and data, among frequency coordinators whose service areas adjoin, overlap, or are the same as those of other frequency coordinators.

- G. The NFCC will facilitate cooperative resolution of problems and disputes arising between frequency coordinators, without regard to whether or not a frequency coordinator is a member of the NFCC.
- H. The NFCC will promote technical and governance practices by frequency coordinators that are technically sound, accountable, democratic, inclusive, communicative, and open.
- I. The NFCC will promote dialog and cooperation among frequency coordinators that choose to create local and regional band plans, in order to avoid technical incompatibilities and interpersonal conflicts caused by differences in band plans, especially in boundary areas and in areas having multiple frequency coordinators.

V. Periodic Review and Analysis

Representatives of the ARRL and the NFCC will confer not less than every five (5) years following the execution of this MOU to review its provisions and identify any necessary and beneficial revisions.

VI. Term and Termination

This MOU replaces the previous Memorandum of Understanding between the ARRL and the NFCC (dated 1996 / 1997) in all respects.

This MOU is effective as of the date of the last signature below and expires on December 1, 2022. The ARRL and the NFCC may extend this Memorandum of Understanding for an additional period not exceeding ten (10) years. Such extension shall be confirmed in a signed writing. This MOU may be terminated by either organization by ninety (90) days' prior written notice from either organization to the other.

In witness whereof, the parties hereto have executed this Memorandum of Understanding as of the following dates.

NATIONAL FREQUENCY COORDINATORS COUNCIL, INC.

By: 

Date: 16 March 2013

Mark Stennett, President, NFCC

AMERICAN RADIO RELAY LEAGUE, INC.

By: 

Date: March 5, 2013

Kay Craigie, President, ARRL