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COMMUNICATIONS AMENDMENTS ACT OF 1982—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

P.L. 97-259, see page 96 Stat. 1087

House Report (Energy and Commerce Committee) No. 97-84, May 19, 1981 [To accompany H.R. 3239]

Senate Report (Commerce, Science, and Transportation Committee) No. 97-191, Sept. 18, 1981 [To accompany S. 929]

Senate Report (Commerce, Science, and Transportation Committee) No. 97-404, May 19, 1982 [To accompany S. 2181]

House Conference Report No. 97-765, Aug. 19, 1982 [To accompany H.R. 3239]

Cong. Record Vol. 127 (1981)

Cong. Record Vol. 128 (1982)

DATES OF CONSIDERATION AND PASSAGE

House June 9, 1981; August 19, 1982

Senate September 25, 1981; June 9, August 18, 19, 1982

The House bill was passed in lieu of the Senate bills after amending its language to contain much of the text of the Senate bills. The Senate Reports (this page and page 2256) and the House Conference Report (page 2261) are set out.

SENATE REPORT NO. 97-191

[page 1]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 929) to amend the Communications Act of 1934 to provide for improved administration of the amateur radio service and private land mobile and fixed services by the Federal Communications Commission, to address the problem of radio-frequency interference to certain electronic equipment, to permit volunteer assistance to the Federal Communications Commission in the area of examinations, licensing, and enforcement in the amateur radio service, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill do pass.

PURPOSE

S. 929, as reported, accomplishes the following:

1. grants the Federal Communications Commission (FCC) the authority to establish minimum radio frequency rejection standards for electronic home entertainment equipment, including television receivers, thus making such equipment less susceptible to interference from other electronic equipment such as CB (Citizens Band) radio, amateur radio, and the like;

2. exempts from such radio-frequency rejection standards, as may be established by the FCC, any electronic equipment manufactured prior to the enactment of the bill;

3. exempts amateur radio transmissions from the secrecy provisions of section 605 of the Communications Act to allow amateur stations to work together in identifying the location of unlicensed stations or stations creating malicious interference, and to generally permit the self-regulation which amateurs have long practiced;

4. provides for longer amateur radio license terms than are currently permitted, thus decreasing the administrative expense now incurred by issuing renewal licenses every 5 years;

5. allows the FCC to utilize volunteer licensed amateur radio operators for the purpose of monitoring unlicensed radio stations operating in the amateur bands, or amateur stations operating in violation of amateur rules;

6. allows the FCC to utilize volunteer licensed amateur radio operators for the purpose of preparing amateur examinations and administering amateur examinations to applicants for amateur licenses;

7. provides the FCC with guidance in managing the spectrum to be made available to the Private Land Mobile Services;

8. authorizes the FCC to rely upon the private sector for coordinating the assignment of frequencies above 30 MHz in the Private Land Mobile Services through non-Federal Government frequency coordinating committees; and

9. defines Private Land Mobile Services.

Background and Need

S. 929 was introduced in the Senate for April 8, 1981. It modifies sections 3, 4, 302, 307, 332 and 605 of the Communications Act to address certain existing problems of the Amateur Radio Service and the Private Land Mobile Radio Service. No hearings were held on S. 929, but extensive comments were received and considered.

AMATEUR RADIO SERVICE

The Amateur Radio Service is as old as radio itself. Every single one of the early pioneers, experimenters, and inventors was an amateur; commercial, military, and government radio was unknown. The zeal and dedication to the service of mankind of those early pioneers have provided the foundation for amateur radio over the years. The contributions of amateur radio operators to our present day communication techniques, facilities, and emergency communications have been available.

In the early 1920's, amateurs were relegated to the portion of the radio frequency spectrum that was considered at that time to be virtually useless: the short-waves below 200 meters. Amateurs pioneered the shortwaves. These shortwaves that once were considered useless are now occupied by marine and aviation, police and public safety, television and FM broadcast, international broadcast, and Amateur Services to name a few.

Amateurs are still pioneering today. Satellite communications are a most important part of amateur radio. Through Program OSCAR (Orbiting Satellite Carrying Amateur Radio), amateurs have been utilizing technology from their relatively simple, inexpensive ground stations. Seven amateur satellites, or OSCAR's, have been built by amateurs at their expense. The amateur space activities are playing an important role in attracting the young people of America to scientific fields.

Every nation, with only two or three exceptions, has amateurs who communicate each day with fellow amateurs in other countries and on other continents. The mode of communication include Morse code telegraphy, telephone, teletype or teleprinter, television, and facsimile. Equipment ranges from home-built transmitters and receivers using parts from discarded radio and television receivers and costing only a few dollars, to the most sophisticated equipment manufactured for commercial, government, and military use costing many hundreds of dollars.

There are over 400,000 amateurs in the United States and almost 900,000 throughout the world. At any given time during the day, thousands of amateurs scattered throughout the world are listening to and communicating with fellow amateurs over distances varying from only a few miles within a city, to thousands of miles to the other side of the world. It is the large number of amateurs dispersed around the world operating in the five high frequency bands that has made it possible for radio amateurs to provide the first, and sometimes, the only, communication links between areas devasted by natural disasters—earthquakes, tidal waves, hurricanes, tornadoes, blizzards and floods—and the outside world.

Every amateur has earned his license by having demonstrated his knowledge of radio theory and application, International Morse Code, the Communications Act, and the regulations of the FCC. Entry into amateur radio usually is through the Novice Class. Amateurs are encouraged to increase their knowledge and skills by a series of five classes or grades of license, all but one with limited operating privileges.

The Amateur Radio Service has been praised for being self-regulated. The FCC has reported that less time has been devoted to monitoring and regulating the Amateur Service than to any other service because of its self-policing and discipline.

The purpose of S. 929 is to provide the FCC with the authority to implement various programs which will result in improvements in administration of the Amateur Radio Service and to cut the costs thereof. It will further allow the Amateur Radio Service to continue its tradition as the most self-regulated radio service in the United States.

RADIO FREQUENCY INTERFERENCE

In the face of an expanding electronic age, with radio frequency energy fields present everywhere and increasing all the time, home electronic equipment, such as television receivers, burglar alarms and the like, have suffered interference due to design inability to reject unwanted signals. The solution to the problems consists of incorporation of inexpensive filtering methods into the design of such equipment. S. 929 would allow the FCC to require that radio frequency interference suppression techniques be incorporated into electronic home entertainment devices by the manufacturers. In the case of low-cost items which could not profitably incorporate such filtering methods, a simple warning to the consumer as to the susceptibility of that device to radio frequency interference could suffice. Devices manufactured prior to the effective date of the Act would be exempt from the requirement thereof.

Statutory sanctions

Section 303(f) of the Communications Act of 1934 requires that the Commission:

> Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this act: *Provided, however,* that changes in the frequencies authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this act will be more fully complied with.

Section 303(m)(1)(D) of the Act grants to the Commission the authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee has transmitted superfluous radio communications or signals or communications containing profane or obscene words, language, or meaning, or has transmitted false or deceptive signals or communications, or a call signal or letter which has not been assigned by proper authority to the station he is operating. Section 303(m)(1)(E) of the act specifically authorizes suspension of an operator's license upon "sufficient" proof that that operator "has willfully or maliciously interfered with any other radio communications and signals." A hearing is required in both of these situations.

As to the possibility of monetary forfeitures, section 502 of the act states:

> Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than $500 for each and every day during which such offense occurs.

This forfeiture is applicable to rules of the Commission regarding the Amateur Service, and is the answer to a question invariably contained in amateur examinations from the novice level on up.

Section 312(a) of the Communications Act permits license revocation for, inter alia, willful or repeated violation of any provision of the act or any rule or regulation of the Commission authorized by the act or by a ratified treaty of the United States.

Should the malicious interference take the form of obscene, indecent, or profane language by means of radio communication, 18 U.S.C. section 1464 (June 25, 1948, Ch. 645, 62 Stat. 769), permits a fine of not more than $10,000 or imprisonment for up to 2 years, or both.

Finally, malicious interference which occurs on specific frequencies may be opposed by modification of the alleged perpetrator's license to prevent his or her operation on that frequency or group of frequencies pursuant to section 316 of the Act. That section permits

license modification when such action would result in better compliance with the provisions of the Act.

Regulatory prohibitions and sanctions

Section 97.125 of the Commission's Rules provides as follows:

Interference.—No licensed radio operator shall willfully damage, or cause or permit to be caused, interference to any radio communication or signal.

Other sections may be applicable to individual cases of malicious interference. Section 97.119 prohibits transmission of communications containing obscene, indecent, or profane words, language, or meaning. Section 97.121 prohibits transmission of false or deceptive signals or communications by radio or any call letter or signal which has not been assigned by proper authority to the radio station he is operating. Section 97.123 prohibits the transmission of unidentified radio communications or signals.

Administrative sanctions are available, beginning with notices of violation, which require written responses within ten days. (Section 97.137.) Failure to respond to an Official Notice of Violation is sufficient ground for imposing license revocation procedings.

Section 1.85 of the Commission's Rules permits suspension of an amateur operator's license by order of the Chief of the Private Radio Bureau when grounds for such order exist pursuant to Section 303(m) of the act. Written notice of such order must be given, and the suspension is effective 15 days after receipt of the notice, unless the operator requests a hearing on the matter.

Section 1.91 of the Rules provides for issurance of orders to show cause why a station license should not be revoked. The show cause order must state the substance of the matters alleged to have occurred and set a hearing date not less than 30 days following issuance of the Order. Should the respondent desire to avail himself of the opportunity to be heard, this section requires that the rspondent so notify the Commission in writing. In cases where the safety of life or property is involved, the order to show cause may specify a hearing date less than 30 days from the receipt of the order.

Analysis

The Commission is apparently satisfied with the variety of regulatory and statutory sanctions available to it to combat malicious interference. As a result of liaison with the American Radio Relay League, there has been implemented a procedure whereby so-called "jawbone" letters issue from the Commission to amateur licensees about whom complaints have been received by the Commission. These simply notify the licensee that a complaint has been received about the operation of his/her amateur station, and that the receipt of other such complaints may necessitate Commission investigation of the matter. It is felt that in a large number of cases, this procedure will prevent potential malicious interference from developing further.

In summary, there is at present, apparently no dearth of available sanctions which the Commission may invoke against the few malicious interference perpetrators which do exist and cause severe difficulty to amateur HF and VHF activities. The problem, on the other hand, is the availability of personnel for enforcement. It has been reported to this Committee that the Commission's Field Operations Bureau is critically short of personnel, due to budget cutbacks and personnel

allocations within the Commission. No further improvement in the battle against malicious interference may be reasonably anticipated unless and until a long and badly needed increase in Field Operations personnel is effectuated.

SECRECY PROVISION SECTION (605)

Amateur radio, long known as the best radio service in the United States in terms of self-regulation, must be allowed to continue to keep its own bands in order, as the FCC does not have the manpower to do so. To accomplish this, amateurs must work together in direction-finding efforts and in the targeting of expected times, frequencies and modes of illegal operation on amateur bands. Recent Federal court decisions have held, due to a lack of legislative history, that amateur radio is to be included in the secrecy provisions of the Communications Act, thus prohibiting amateurs from disclosing among themselves the contents of transmissions heard on the amateur bands. This bill would exempt amateurs from this burden, thus allowing them to continue to work together to self-regulate.

LICENSE TERM

There is no purpose served by a 5-year amateur license term, except to allow the FCC to delete from the rolls those amateur licensees who have died or chosen not to renew licenses. A 10-year license term would decrease administrative costs in administering amateur licenses. This bill would thus provide for a 10-year license term.

VOLUNTEER ASSISTANCE

As the FCC's Field Operations Bureau is now operating, and will continue to operate, at below minimum efficiency levels due to budget and manpower cutbacks, and because interference complaints within the Amateur Radio bands are constantly increasing, it is beneficial to the FCC to utilize the voluntary services of licensed amateurs to prepare and administer amateur examinations, and to monitor illegal activity in the amateur bands. This bill would allow amateurs to detect, locate, and monitor illegal operators, interference problems, and the like, to save FCC field personnel huge amounts of time and expense in locating rule violators. Armed with the information obtained from amateur volunteers, FCC personnel can proceed right to the source of the problem, monitor at the predicted times and gather evidence much faster than would otherwise be possible.

Preparation and administration of amateur examinations by amateur volunteers under FCC supervision is another time-saving matter that could cut FCC administrative costs immensely while improving service to the public. Volunteer activity by amateurs under the terms of S. 929 is specifically stated not to constitute Federal employment for any purpose.

RADIO FREQUENCY INTERFERENCE REJECTION STANDARDS

Radio frequency interference (RFI) arises when a signal radiated by a transmitter is picked up by an electronic device in such a manner that it prevents the clear reception of another desired signal or causes

malfunction of some electronic device other than a receiver. Almost any transmitter of any service is a potential interference source. Interference problems are not limited to Amateur or Citizens Band (CB) stations.

Since the advent of commercial television immediately following World War II, amateur radio operators have been active in interference control and elimination. The amateurs learned very early that the incorporation of good engineering practices in their transmitter construction, such as electrostatic shielding and filtering, minimized the possibility of interference by preventing the radiation of spurious signals. Such practices and techniques are well understood and are universally incorporated in transmitters manufactured and in use today, irrespective of the service. Appropriate rules of the FCC require all transmitters of all services, including the transmitting sections of transceivers, to adequately suppress spurious (unwanted) radiations.

It was evident from the very outset that most of the interference problems to home entertainment electronic equipment were not with the transmitters, but with the receivers and other electronic devices picking up unwanted signals.

Interference to television reception, for example, can be divided into the following causes. First, and least common, is the pickup of a spurious signal having a frequency within or close to the band of frequencies occupied by the television signal. Such interference usually is caused by the interfering transmitter. In many instances, there is a harmonic relationship between the transmitter frequency and the television channel. This is particularly true with the 27 MHz CB service; the second harmonic (multiple) of the 27 MHz CB signal falls in TV Channel 2; and the third harmonic falls in TV Channel 5. Second is the overloading of the input circuit of the television receiver by an undesired signal so strong that overloading, i.e., malfunctioning, of the circuits generates spurious signals within the television receiver. Such interference usually is more severe with transistorized receivers and results from poor circuit design. Third, is the pickup of an undesired signal by circuits within the set of wiring leading to the set. Poor shielding or poor circuit design in the receiver usually is the cause.

Interference to other electronic devices such as record players, hi-fi amplifiers, electronic organs and public address systems usually arises from the pick-up of a relatively strong signal by the external wiring, such as the wires leading to the speakers or to the power source, followed by the rectification of the signal by a circuit, contact or component within the device.

The cures for all such types of interference have been well known for many years. Often an inexpensive filter in the lead from the antenna to the television receiver will reduce the interference to an acceptable level, or eliminate it entirely. For the other electronic devices, usually the judicious installation of from two to eight capacitors, each costing ten to fifteen cents at any radio store, and less than one cent to a manufacturer, will suffice.

Even though the causes and cures of radio and television interference (RFI and TVI) have been known for many years, the number of complaints received by the FCC have grown steadily each year.

With the rapid, and indeed explosive, growth of the 27 MHz CB service in the mid 1970's, the probability of a home entertainment device being located near a transmitter of some sort has increased substantially. The public's use of home entertainment devices has grown, and continues to grow, at a fantastic rate.

Many manufacturers of home entertainment equipment are willing to provide, often free of charge, filters for the home entertainment equipment when a particular interference problem is brought to their attention. However, they have been unwilling to voluntarily address the root problem by incorporating such filter mechanisms in their equipment in the design and assembly-line stage. This is true even though such filtering mechanisms and anti-interference design cost only a few cents per unit. Nor will an educational campaign produce more than superficial results.

The manufacturers believe that the FCC does not now have authority to compel the use of good engineering practices in equipment which does not emit radio frequency energy sufficient in degree to cause harmful interference to radio communications. The manufacturers and retailers also believe that the FCC cannot require a label on equipment or the supplying of a pamphlet warning of the possibility of interference and outlining corrective measures. The FCC has thus far acted in consonance with these beliefs. S. 929 would give the FCC the authority to require that receivers and other electronic devices be so designed and constructed as to meet minimum standards to be set by the FCC for rejection of unwanted radio signals and energy. Extensive amateur and FCC experience over the years with interference investigation and elimination supports the conclusion that, in most instances, satisfactory corrective measures can be simple and inexpensive. Major modifications and redesigns of equipment rarely, if ever, will be required. Elaborate procedures will not be necessary either at the manufacturers' plants or at the FCC. Existing equipment, and that manufactured prior to the date of enactment of S. 929, will be exempt from any such standards as might be established by the FCC.

The millions of purchasers of television and radio receivers and other electronic devices each year deserve protection from interference. Significant reduction of interference compaints at the FCC will result from enactment of this portion of S. 929. The Committee notes that several million interference complaints are received by the FCC each year. Sections 2 and 3 of S. 929 are viewed by the Committee as necessary to adequately address this increasing problem.

EXEMPTION OF AMATEUR RADIO FROM SECRECY PROVISIONS OF THE COMMUNICATIONS ACT

The Amateur Radio Service has long enjoyed the reputation of being largely self-regulating. The amateurs have kept their bands in order with minimal enforcement activity by the FCC. It is critical that amateurs be allowed to continue this self-enforcement because the number of amateurs is increasing at a steady rate, and because the FCC's Field Operations Bureau is unable to monitor amateur radio to any great extent due to its limited resources. From time to time, enforcement problems do arise, to which amateurs must and do respond with friendly efforts to bring any noncompliant action into

full compliance with amateur rules. This has worked in an overwhelming number of cases. There are only a few cases of continued noncompliant behavior, and those have been handled in the past by amateur operations. Amateurs are proficient in direction-finding techniques. Utilizing these techniques and taping on-air conversations of persons on amateur bands, amateurs have saved countless hours of FCC Field Operations' staff time in identifying the source of illegal transmissions on the amateur bands.

Questions have arisen from time to time concerning the applicability of section 605 of the Communications Act to amateur radio. Section 605 currently provides, in revelant part, as follows:

> No person having received any intercepted radio communication or having become acquainted with the contents, substance, purport, effect, or meaning of such communication (or any part thereof) knowing that such communication was intercepted, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of such communication (or any part thereof) or use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. This section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication which is broadcast or transmitted by amateurs or others for the use of the general public, or which relates to ships in distress.

Amateurs have always been considered exempt from the secrecy provisions of section 605 by virtue of the last line of this section. However, recent interpretations, including the District of Columbia case of *James Reston, Jr.* v. *Federal Communications Commission*, F. Supp. (D.D.C. 1980, C.A. No. 79-2476) have held that amateur transmissions, other than general calls for a contact from any other station, are subject to the secrecy provisions of Section 605. The U.S. District Court for the District of Columbia in *Reston* painstakingly reviewed the legislative history of section 605 in the hope of ascertaining Congressional intent with regard to amateur transmissions as referenced in the last sentence of that section. The Court, frustrated at the lack of clear expression of legislative intent regarding the matter, stated in part as follows:

> In sum, although the legislative history of section 605 is of minimal help in clarifying the ambiguity that plagues the meaning of the phrase "amateurs or others for the use of the general public" to the extent it is useful, that history serves to bolster defendant's interpretation of its language. The confidentiality provision of the Radio Act of 1912 does appear to have applied to amateurs to prohibit them from divulging the contents of radio messages, while the addition of the exemption for amateurs in the Radio Act of 1927 is not explained adequately either in the legislative history of that act or by reference to the unenacted bills that preceded it. Perhaps the clearest indication of congressional intent is found in the language and punctuation of the Communications Act of 1934 with its definition of broadcasting and its use of that term in conjunction with the words at issue here indicating

thereby that only transmissions to the general public were to be subject to disclosure. The slight punctuation change effected in the present provision in 1968 when it was substituted for the 1934 enactment fails to indicate any intent to modify the result sought to be obtained by the language of the 1934 act. As a consequence, the Court is unable to find in the legislative history of section 605 cognizable evidence that the phrase at issue exempts amateur transmissions from the disclosure prohibitions of 605.

The problem with this interpretation is that it precludes amateur radio operators from disclosing the contents of transmissions heard on the amateur bands, even if they are illegal transmissions. Thus, amateurs are prohibited from working together to locate and monitor illegal transmissions and unlicensed operators. Nor are amateurs of as much assistance to FCC enforcement personnel as would otherwise be possible because amateurs cannot disclose to Commission personnel the content of transmissions received. This has already had an adverse effect on amateur self-policing efforts, and it is of extreme concern to the Field Operations Bureau of the FCC, which has long depended on amateur self-regulation due to that bureau's own extremely limited manpower and dwindling funding. To provide clarification of the exemption of amateurs from section 605, section 4 of S. 929 should be implemented to facilitate amateur self-enforcement.

EXTENSION OF LICENSE TERMS

As radio continues to grow, the burden on the FCC of renewing licenses grows proportionally. For example, in December 1980, there were 384,484 licensed amateur radio operators. Given this figure, and assuming all amateurs desire to renew licenses, over 5,000 renewal applications are filed each month.

One reason for the large number of amateur applications received by the FCC each month is the 5-year limitation upon station licenses imposed by section 307(d) of the Communications Act. Elimination of renewal applications would do much to lessen the FCC workload. Renewal of an amateur license, with only an occasional exception, is routine and serves no useful purpose other than to delete stations from the rolls should a renewal application not be filed for any one of several reasons, such as death or loss of interest. In the amateur service, no detriment is occasioned by the continuation of a license, because the amateurs do not operate on fixed frequencies. Thus, no frequencies would lie fallow as a result of inactivity of a particular amateur. A 10-year station license would thus be desirable as a direct money-saving measure. Section 5 of S. 929 would increase license terms from a maximum of 5 to a maximum of 10 years.

VOLUNTEER ASSISTANCE BY AMATEURS TO THE COMMISSION

Around the turn of the century, the U.S. Congress asserted its control over Federal agency budgets by limiting total expenditures and obligations of such agencies to a monetary amount appropriated for their use by Congress. 31 U.S.C. § 665. Subsection (b) of that section, enacted in 1905, provides as follows:

(b) No officer or employee of the United States shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency invloving the safety of human life or the protection of property.

Concern has been expresed from time to time within the FCC that this section may limit the Commission's use of volunteer amateurs to assist the Commission in the administration and formulation of amateur radio license examinations. For years, amateurs of a higher license-class have received and administered written novice class amateur exams to candidates, testing such candidates on their ability to send and receive International Morse Code. Amateurs would then mail the written examination back to the FCC for grading. This has saved countless hours for FCC personnel, and provided a convenient method of administering these entry level examinations, especially to young people interested in radio.

As pointed out previously, the FCC Field Operations Bureau is critically short of personnel. Administration of examination as amateur radio conventions and organized gatherings has been one method of processing a large number of amateur exams at one time, and has proved to be an extremely efficient procedure. Unfortunately, with travel funds being diverted to other more basic applications, such as salaries for its few personnel, the Field Operations Bureau has been unable to make schedules to administer examinations by this bulk method. Statutory provision for amateur volunteer participation in the administration of amateur examinations at gatherings of amateurs is clearly in the public interest.

As mentioned above, amateurs have always been proud of their reputation for self-regulation. Very little monitoring by Field Operations Bureau personnel has been necessary. This, together with the fact that Field Operations Bureau is now severely understaffed, has resulted in an almost complete lack of amateur monitoring and enforcement. From time to time, a very few individuals have engaged in malicious interference with radio communications in the amateur bands. Detection, location and monitoring of these persons is quite simple for organized amateurs, but the extent to which evidence obtained by amateurs is useful to the Commission is somewhat in doubt. The statutory authorization of the FCC to utilize this wealth of enforcement assistance is thus desirable.

The Committee believes that the use of voluntary services of licensed amateurs by the FCC is a beneficial and efficient utilization of manpower in the public interest, especially in the area of examination preparation and administration. In some areas of the United States, amateur examinations can only be given once per year because of shortages of personnel in the Field Operations Bureau. Should a person not pass an amateur examination the first time, up to 2 years can pass without an individual having an amateur license. The benefits of amateur radio, including technical self training and knowledge of electronics, should not be denied to individuals, especially young people, on the basis of personnel shortages at the FCC.

Section 7 of S. 929 would permit the Commission to utilize volunteer licensed amateurs to prepare and administer examinations to

individuals and to assist in detection, location and monitoring of illegal operators and interference phenomena on the amateur bands, thus saving huge amounts of time and expense in locating rule violators. Armed with information obtained from amateur volunteers, FCC personnel can proceed right to the source of the problem, monitor at the predicted times, and gather evidence much faster than would otherwise be possible.

The Committee believes that the FCC should have the authority to utilize voluntary and uncompensated services of any individual who is licensed by the FCC for purposes of preparing or administering any examination for an amateur station operator license. This would permit volunteer assistance in the area of examination administration to the handicapped, regardless of the class of license which the examination is being administered. Amateur radio is an excellent endeavor for the handicapped, and this provision would make amateur radio available to many more people than would otherwise be possible.

PRIVATE LAND MOBILE SERVICES

Definition of private land mobile services

S. 929 defines the Private Land Mobile Services and thereby provides explicit Congressional support for existing FCC regulation of the Private Land Mobile Services. It further provides Congressional direction and guidance on a number of policy and licensing issues pertaining to these services. The Communications Act of 1934, as amended, does not include a definition of the Private Land Mobile Services which this bill addresses. A definition is necessary if the provisions of S. 929 are to be applied in accordance with Congressional intent.

The Private Land Mobile Services were designed and have been administered by the FCC to provide maximum latitude in allowing government entities, large and small commercial enterprises, utilities, land transportation providers and other eligible entities to utilize the communication system best suited to their unique requirements. This definition encompasses the myriad of radio systems used by private land mobile licensees which range from small, uncomplicated two-way dispatch systems, to complex ones involving multiple transmitters to cover wide areas.

Spectrum management guidelines

The Communications Act contains no guidelines for the FCC to follow in managing the spectrum to be made available for the Private Land Mobile Services. The Committee believes such guidelines are necessary since these Services have a direct and substantial impact on the public welfare and the economy. S. 929 sets forth policy guidelines to be followed by the FCC in allocating and managing the spectrum to be made available for the Private Land Mobile Services. While these frequency allocation guidelines apply equally to the Private Fixed Services, since the Fixed Services do not have shared frequency assignments like the Mobile Services, and do not employ frequency coordination committees as do the Mobile Services, the Fixed Services were not included in S. 929.

These guidelines include a consideration of whether the present and proposed use of various allocated bands to these and other services

EXHIBIT C

$10.00

TRAINING GUIDE:

THE AMATEUR AUXILIARY TO THE FCC'S FIELD OPERATIONS BUREAU

John F. Lindholm, W1XX; Robert J. Halprin, K1XA; Editors
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CHAPTER 1: OVERVIEW

1.1 Introduction

Among the many significant aspects of the Communications Amendments Act of 1982 (commonly referred to as Public Law 97-259) passed by Congress and signed by the President is one which authorizes the Federal Communications Commission (FCC) to formally enlist the use of amateur volunteers in particular in monitoring the airwaves for rules violations. This is a crucial factor in maintaining order and the traditional high standards on the amateur bands, as governmental belt-tightening does not and will not provide the FCC's Field Operations Bureau (FOB) with the necessary resources to monitor the amateur bands to any great extent. Moreover, Novice Enhancement has already caused an influx of operators into the Amateur Radio Service, creating an even greater potential need for monitoring of amateur band activity.

The new law is a milestone in the history of the Amateur Radio Service, a catalyst for a modernized, dynamic service, enabling amateurs to play a much more integral role in processes that directly affect and impact the amateur community. In short, PL 97-259 offers a unique opportunity to put the ARRL in the fore of amateur on-the-air conduct. To do this, the new law exempts Amateur Radio transmissions from the "secrecy of communications" provisions of Section 605 of the Communications Act, therefore clearing the way for a more active role on the part of amateurs in volunteer monitoring.

The rationale for this enhanced posture in amateur self-regulation was aptly addressed by the House-Senate Conference Committee (when the bill was being finalized) as follows:

> The Amateur Radio Service has been praised for being self-regulated. The Commission has reported that less time has been devoted to monitoring and regulating the Amateur Service than to any other service because of its self-policing and discipline.
>
> One primary purpose of the Conference Substitute is to provide the Federal Communications Commission with the authority to implement various programs which will result in improvements in administration of the Amateur Radio Service and to cut the costs thereof. It will further allow the Amateur Radio Service to continue its tradition as the most self-regulated radio service in the United States, and to become to some extent self-administered, requiring even less expenditure of government time and effort than in the past.

1.2 The Amateur Auxiliary

In implementing volunteer monitoring, FCC's Field Operations Bureau fully recognizes the value of the organized and disciplined amateur community through its membership organization, the American Radio Relay League (ARRL). FOB is also fully cognizant of the long history and tradition of the ARRL's Official Observer (OO) program and the League's extensive Field Organization. In fact, in its working paper on this subject, the FOB has specifically indicated that a volunteer monitoring program should be designed to be compatible with the Amateur Radio organizational structure so as "to avail itself of the services of the field structure of the organization."

To achieve this, the FCC's Field Operations Bureau is creating an Amateur Auxiliary. Parallels to this in government can be found in the Civil Air Patrol and the Coast Guard Auxiliary. Thus, to achieve a viable Amateur Auxiliary, the FOB and ARRL have entered into a formal agreement whereby the objectives and nature of the program are stated with the ARRL committed to administering the program.

Therefore, the ARRL Field Organization will have a high-profile involvement. The Amateur Auxiliary will address both maintenance monitoring (already effectively addressed by the well-established Official Observer program but requiring some enhancement) and amateur-to-amateur interference (sometimes misnamed malicious interference). Maintenance monitoring will be conducted through an enhanced OO program, while amateur-to-amateur interference will be handled by specifically authorized Local Interference Committees. (The FCC has indicated its strong desire to enter into local agreements as the most effective means of addressing local interference problems. Thus, amateur Local Interference Committees, where sanctioned by the ARRL Section Manager, can enter into local cooperative agreements with the FCC Regional Director or Engineer-In-Charge for the geographical area concerned by simply "localizing" the language in the national agreement that appears in Appendix A of this *Training Guide*.) ARRL sections will become the focal point for liaison and the primary communications channel between organized amateurs and FCC's Field Operations Bureau offices. In effect, the Field Operations Bureau's Amateur Auxiliary will be administered by the League's Section Managers and OO Coordinators with support and help from ARRL Hq.

The Amateur Auxiliary and the Volunteer Examiner Program work together to allow radio amateurs to invest themselves in the continued well-being of the Amateur Radio Service, which until now, has operated under close scrutiny of the FCC. The radio art has matured, as has the Amateur Radio Service. It is now quite fitting that the Commission enlist the enthusiasm and expertise of radio amateurs to take upon ourselves the tasks of administering operator license examinations, helping to maintain order within our ranks, and resolving many of our own problems.

1.3 General Objectives/Concepts

The general objectives of the Amateur Auxiliary are to:

1. Foster a wider knowledge of and better compliance with laws, rules and regulations governing the Amateur Radio Service;
2. Extend the concepts of self-regulation and self-administration of the Service;
3. Enhance the opportunity for individual amateurs to contribute to the public welfare as outlined in the basis and purpose (Part 97.1) for the Amateur Radio Service;
4. Enable the Field Operations Bureau of FCC to efficiently and effectively utilize its manpower and resources.

The role of the Amateur Auxiliary is more properly regarded as an unbiased forum for technical and operational advice and other assistance to amateurs and others who are receptive. The task is not to find fault but to identify cause and effect, many of which are not based upon technical but behavioral or social issues, and to find ways to achieve solutions. *The mission is not direct enforcement.* Because the

boundary between observation and enforcement is not always obvious, mature judgment is clearly required of the Auxiliary members and its leadership. The Auxiliary, to be viable and effective, must avoid the appearance of enforcement. It must also avoid the appearance of having a vested interest in any specific type of amateur operations or of being highly sympathetic to amateur groups which advocate specific activities or causes.

1.4 Training/Certification

Only those amateurs who have successfully demonstrated a thorough knowledge and skill of the subject matter relating to volunteer monitoring will be enrolled as members of the Amateur Auxiliary. This ARRL-developed Amateur Auxiliary *Training Guide* utilizes this chapter (Chapter 1) as an overview introductory chapter and the following chapters encompass these subject areas:

Chapter 2: Rules and Regulations
Chapter 3: Technical Standards
Chapter 4: Administrative Procedures
Chapter 5: The Psychology of Achieving Voluntary Compliance

This Training Guide utilizes other appropriate publications as reference supplements such as *The FCC Rule Book* and *The ARRL Handbook*.

1.5 Appointment Procedure

Because of the certification requirement, some modification of the Section Manager appointment procedure is in order. The appointment procedure is conducted as follows:

1. All Official Observer and Local Interference Committee Chairman appointment inquiries are sent to the Section Manager (SM), since all OO appointments are initiated by the Section Manager or the SM's designee, the OO Coordinator.

2. The SM (or OO Coordinator) sends an appointment card, FSD-211, to ARRL HQ, indicating "RECOMMENDATION."

3. ARRL HQ sends the prospective OO this Amateur Auxiliary Training Guide, other supplementary literature, and an examination paper (open-book). Upon completion of review of this material, the OO candidate returns the exam to ARRL HQ for grading.

4. The OO is notified that he/she has successfully completed the training and exam (or retest with subject areas pointed out in need of further study). A copy of this notification goes to the Section Manager who then sends the official appointment certificate to the new OO.

5. ARRL HQ sends initial supplies to the new OO.

1.6 Regional Monitoring Stations

As indicated, the enhanced monitoring program is under the jurisdiction of the elected ARRL Section Manager in each section, with front-line authority delegated to an appointed OO Coordinator who recruits and supervises the OO appointees in the section.

There will be situations, particularly at hf, that will transcend section boundaries, and because of this, another level in the Amateur Auxiliary is required. This will involve designation of Regional Monitoring Stations — a limited number of amateurs with impeccable credentials (coupled with letters of recommendation from League officials) will be considered for the regional monitoring function. Regional Monitoring Stations will be appointed by the ARRL President, after approval by the concerned ARRL Directors and Section Managers, and will be in charge of a wide geographic area, similar in scope to FCC monitoring stations. [Note that at present there are only 13 FCC monitoring stations in the country, so it is anticipated that there would be a limited (probably equivalent) number of ARRL Regional Monitoring Stations.] Only a small number of dedicated amateurs will have the time, maturity, experience and technical expertise (including sophisticated receiving equipment) to qualify for this specialized function. Inquiries regarding appointment as a Regional Monitoring Station (RMS) should be sent to the Field Services Manager at ARRL HQ.

OO and/or Section Managers will be able to call upon the appropriate Regional Monitoring Station for assistance in complex cases in the course of the Amateur Auxiliary operations. The Amateur Auxiliary Regional Monitoring Station will work in close conjunction with the FCC FOB monitoring stations on those cases that require action beyond the routine maintenance monitoring of the Official Observer. Flagrant and repeated instances of noncompliance with substantive regulations will constitute the caseload of the RMS. As well as direct consultation with the FCC's FOB (as outlined in Chapter 4, Administrative Procedures), the RMS will have a "heavy-duty" advisory notice (FSD-214) for use in dealing with more difficult problems. But, again, the thrust will be to bring about *voluntary resolution* of the problem by the individual in violation. The RMS may also be a source of assistance to local interference committees coping with a difficult case of true malicious interference or harassment. In some instances, the ARRL RMS may actually be manned by a small group of dedicated and highly qualified amateurs to provide more continuous coverage. In such an instance, an individual would be designated as the RMS "chief" with an appropriate number of assistants.

Because of the potentially sensitive nature of the RMS' role in Amateur Auxiliary activities for the general amateur public, the Regional Monitoring Station may elect, on an optional basis, to identify only by the official geographical station designation (eg, the Southwest Regional Monitoring Station, PO Box 7373, Los Angeles, CA 90807) when sending out advisory notices to amateurs for serious discrepancies. Therefore, the RMS may insert his name and call or the station designation in the "issued by" box in FSD-214.

It is important to note, however, that an accused rule violator has, in the context of any administrative proceeding involving the possible suspension or revocation of his amateur license or other sanction, certain constitutional rights. These rights include a hearing, if requested, and the opportunity to cross-examine any person who has submitted evidence against him. All evidence used by the FCC in enforcement situations must be made available to the accused, including the identity of the RMS. It is thus *not* possible, in the context of an enforcement proceeding in which forfeiture, license revocation or suspension is the potential result, to maintain confidentiality of the identity of an RMS. The RMS may be called upon to testify at a hearing and must be made available to be cross-examined by the accused or the attorney for the accused as to the basis for the accusation and the means by

which the RMS obtained that information. Therefore, it is important that all RMS personnel be well schooled in the gathering, preserving, and presentation of evidence to FCC for its use in possible revocation hearings. This is a subject detailed in Chapter 4 of this manual.

1.7 Compliance Levels

The overall objective of the Amateur Auxiliary is to bring about a satisfactory level of compliance in the Amateur Radio Service and to reduce FOB resource inputs to the service. To determine compliance trends, Amateur Auxiliary data will be quantified to measure levels of rules compliance. ARRL HQ will maintain a data base to quantify the activities of the monitoring program. This will not only help the Amateur Auxiliary pinpoint those areas in need of greater attention, those in less need of attention, but also to enable the reporting in tangible terms to FCC the impact of the program. This accountability will enable the Auxiliary to continually sharpen skills and maximize efforts, and thus direct energies to those areas of concern that will do the most good.

CHAPTER 2: RULES AND REGULATIONS

2.1 The FCC Rule Book

Amateur Radio is governed by the Communications Act of 1934, as amended. Therefore, a thorough knowledge of the rules and regulations are an obvious necessity in performing OO functions. You should expect that the recipient of an OO advisory will look to you for absolute accuracy in reference to the rules. Preserving the integrity of the program demands that you be extremely careful and that you are indeed correct. More important than being able to cite chapter and verse from memory is to be able to quickly locate the information you need. The "bible" of rules and regulations is *The FCC Rule Book*. This excellent publication not only gives you the exact rules and regulations, but also incorporates many years of so-called "interpretations" that have evolved through the "Washington Mailbox" pages of *QST*. Thus, a thorough familiarity with *The FCC Rule Book* (which is being provided for you with this training material) is necessary to successfully complete this training program. It should be studied and readily available in the shack during your monitoring activities. Some of the questions on the exam preparatory to your being certified as an OO are extracted from *The FCC Rule Book*. Also, refer to Table 2.1, which is a synopsis of regulation references by subject matter. This will be a useful tool in your everyday maintenance monitoring.

2.2 Rules Interpretation

Interpretation of FCC regulations is a subject that must be addressed in this Training Guide, but clearly there is no magic formula for grappling with some of the murkier aspects of the rules. To be sure, the Amateur Auxiliary must promote compliance with the rules, but you should steer clear of over-zealousness, even paranoia, about some regulations, to preserve the integrity of the program as mentioned in 2.1. Exercise common sense and avoid hair splitting. As you'll find in your journey through *The FCC Rule Book*, most of Part 97 is straightforward. Furthermore, the FCC is actively embarked on eliminating obsolete rules thereby removing many hurdles, real or imagined, from the Amateur Radio Service. In fact, challenging rules that no longer appear contemporary may assist the FCC in this regard.

A responsibility of self-regulation also means that we must reduce the tendency of amateurs to run to the FCC for narrow rules interpretations (usually for emotional reasons). Deleterious precedents harmful to the Amateur Radio Service may be set, and this is to be avoided at all costs. In other words, the cure can be far worse than the temporary affliction. Rules interpretations have been said to be "messy" because they are not codified (as are rules of law), and more often are prepared as a result of a very minor or specific question or series of hypothetical situations, which may be far removed from the "real world." Sometimes, the "hair" has been split so often that little remains of the original intent of the rule. Again, this is why amateurs should not automatically write or call the FCC to ask whether a particular isolated situation is "legal." The FCC wants us to figure that our for ourselves, primarily through the Amateur Auxiliary, because we're the experts. Superfluous questions could result in more restrictive regulation.

In most instances, the FCC says that compliance with the spirit of the rule, as contrasted with the letter, is sufficient, especially when you apply the rule in the context of the purpose it, and other related rules, are intended to serve. A little common sense goes a long way. Nevertheless, there are needs for interpretation of a rule in the "real world," and as an OO/Amateur Auxiliary member, you should try to discern whether the interpretation was intended to be special; that is, did it deal with an almost unique or one-or-a-kind situation? If not, was it intended to be general? It can also be helpful to know the date of the interpretation; it may be ancient. ARRL HQ will endeavor to keep you updated on news from the regulatory front in the periodic newsletter, "The Observation Post." On specific issues, it might be necessary for assistance from HQ. Contact the Amateur Auxiliary Coordinator there.

2.3 Expectations

The previous section deals with the interpretation of the rules, and the last section of the preceding chapter (Par. 1.7) explores levels of compliance. These two subjects are related in that both you as an active member of the Auxiliary and the general amateur population will have expectations of what this program is capable of accomplishing. Before levels of compliance can be measured accurately, Auxiliary members must be cognizant of the rules to determine that the interpretations are indeed correct. If the rules are regularly misinterpreted by misdiagnosis of perceived violations, then obviously any measure of compliance will be faulty.

The Auxiliary must avoid creating the perception that the program will cure all the ills that abound on the air. Some of these ills are clear violations, others are not. The ability to differentiate is important. The general amateur public must not think volunteer monitoring is the godsend to these on-the-air problems (both real and perceived). For example, certain cases of malicious interference and harassment are prevalent on repeaters in some parts of the country. These evils are not cured swiftly. They can be cured, but not easily. Much evidence gathering is involved (discussed in Chapter 4). This can be a time-consuming process. Thus, the program must *not* cause the expectations of our fellow amateurs to rise to inappropriately high levels. Due process of law must be followed.

Even more difficult for many amateurs to understand is how to deal with those advocates of "free thinking," non-compliance with gentlemen's agreements, etc. These individualists usually revel in bringing the general amateur

population to loggerheads. Unfortunately, such types feed on the ignorance of others and thrive on baiting the listening audience into discussions of who is going to call the monitoring station first, who had the frequency first, etc. Often the individualists are far better versed in the rules and regulations than those who confront them on the air. Too often this leads to frustration manifested by catcalls, whistles, carriers, and general chaos on the frequency — exactly the sort of attention that continues to fan the flames. And note that the true violations are now being perpetrated *upon* the individual nonconformists. To generally expect the Auxiliary to solve such problems is not realistic. The Auxiliary should avoid becoming embroiled in such controversy, especially in reply to inquiries such as: What are you doing about it?

In summary, our efforts should not raise the false hopes and expectations of the general amateur population that this program will eliminate all the woes of the amateur world. Such problems are too deeply rooted in the psychological deficiencies of society as a whole. In spite of the potential that the program has to make the ham bands a better place for all to operate, it will not cure all the ills of our fraternity or society. For any to claim that it will does us all a disservice.

TABLE 2.1 INDEX OF FCC REGULATIONS

Subject	*Reg. No.*
AC Modulation	97.78
Advanced Class privileges	97.7(d)
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Alien station identification	97.313
Amateur Satellite Service	Sub-part H
Amplifier, External RF	97.75
ASCII	97.69
Authorized emission (RACES)	97.185
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Permissible communication	97.89
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Phone sub-bands**	97.61(a)(b)(4 & 11)
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Points of Communication (RACES)	97.189
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Subject	*Reg. No.*
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Note: "32 Sec." and "303 Sec." numbers refer to Article 32 and 303, respectively, of the International Regulations, Geneva, 1979. Section numbers refer to the US Communications Act of 1934, as amended. References bearing the number 97 refer to that section of the FCC Regulations (47 Code of Federal Regulation) governing Amateur Radio stations.

*As of date of printing, there are no banned countries. Check *QST* and W1AW for updates as they may occur.

** Stations with US prefixes in Region 2 that are not subject to FCC jurisdiction are Antarctica, Guantanamo Bay and the Northwest Arctic Ice Islands. Stations with US prefixes in Micronesia, Belau or Marshall Islands are also not subject to FCC jurisdiction. All other US prefix stations are subject to this section and must observe normal Phone Subbands except as detailed for *outside Region 2*.

CHAPTER 3: TECHNICAL STANDARDS

3.1 Introduction

With different technical backgrounds amongst the participants in the Amateur Auxiliary, this Guide cannot begin to try to present a comprehensive technical base. There are many technical publications already in existence that can do this. But the high level of technical expertise exhibited by the amateur community is well known, and will no doubt be tapped in staffing the Amateur Auxiliary. Thus, the function of this chapter is to review some of the areas that perhaps deserve greater attention, offer a few precautions, and list some references that may serve two purposes: (1) benefit the OO in upgrading technical knowledge of the specifics involved in volunteer monitoring; and (2) effectively respond to those who receive OO Advisory Notices and seek advice and authoritative literature. Thus, the general amateur population can gain an increased knowledge and understanding of what are the probable causes of any technical difficulties with their radios.

3.2 What to Watch For and Some Precautions

The OO program is intended to note discrepancies and call them to the attention of those who very often are unaware of the discrepancy or who do not realize that what they are doing is potentially in violation. For example, it is quite common for an amateur to be unaware of a harmonic or spurious signal strong enough to be heard in distant places, but outside the amateur bands. Novice licensees especially are subject to this discrepancy, so it is appropriate to listen in second and third harmonic multiples of the Novice bands. It is often surprising how many can be heard, and usually Novices are most grateful to be notified. Higher grade licensees, especially those running increased power, are also far from immune to undue harmonic radiation.

Often the operator of a station having key clicks (K) and chirp (C) on his CW signals is unaware they exist. Broad signals, with by-products of splatter and distortion, are frequent on the phone bands, while FM signals are prone to overdeviation. These are all technical difficulties you should watch for and are subject to notification. The recipient will almost invariably appreciate the notification.

However, key clicks and phone splatter can also result from receiver overload in the case of extremely strong signals, especially those being radiated locally. Be careful that you are not sending a notice to someone merely because his signal is strong, causing clicks or splatter at your location which would not be noticeable at a distance. Even in the case of one-hop skip, a signal can be so strong as to produce overloading in some receivers. Sometimes a local condition can make a signal sound as though it is ac-modulated or A2. Occasionally strange mixing effects caused by strong local signals can cause "birdies" where no signal actually exists. Images are also frequently present in receivers without proper shielding or isolation between stages, and of course are also more pronounced with strong local signals. Improperly shielded IF stages can cause apparent commercial operation in the amateur bands. Whenever you hear a signal where it shouldn't be, always consider that it could possibly be your equipment. Check it out carefully, and only when there is no shadow of doubt, send the OO Advisory card. If in doubt, don't.

Nothing is worse than accusing someone of something the individual is not guilty of. When an OO does this (and occasionally it happens!), the whole program suffers. Consequently, all OOs must be careful to make proper identification (ID), and make sure that any noted discrepancy is not the result of receiver deficiencies or carelessness.

3.3 References

The OO candidate is required to be familiar with the following references from the *ARRL Handbook*. Although references pertain to the 1988 edition, previous editions also are acceptable:

Code Transmission: 11-1 through 11-4
Single-Sideband Transmission: 12-9 through 12-21
Frequency Modulation and Repeaters: 14-1 through 14-18
Digital Communications: 19-1 through 19-49

The 1988 *ARRL Handbook* features a chapter devoted exclusively to monitoring and direction finding. This chapter is a substantial asset to Amateur Auxiliary activities, and, in fact, was written with the Amateur Auxiliary program in mind.

The following references may be used as additional reference material. Those who receive advisory notices may also be directed to these sources as appropriate:

Single Sideband for the Radio Amateur (ARRL, 1972):

"Interpreting the Linear-Amplifier Meter Reading," pp 158-161.
"A Pulsed Two-Tone Test Oscillator," pp 162-164.
"Testing a Sideband Transmitter," pp 165-171.
"Checking Signal Quality With the Receiver," pp 171-175.
"Ordinary and Processed Speech in SSB Application," pp 217-222.
"R.F. Clippers for SSB," pp 226-231.

It is left to the discretion of each individual OO to research other appropriate technical references.

CHAPTER 4: ADMINISTRATIVE PROCEDURES

4.1 Introduction

ARRL Official Observers are among the most important of Field Organization appointees because OOs perform a function vital to the future of Amateur Radio's own well-being. The OO must not only be a well-qualified amateur (properly trained and certified), but must also be capable of exercising good judgment, tact and diplomacy. There is no place in the Amateur Auxiliary/OO program for amateurs with uncontrollable prejudices or patronizing attitudes. OOs are dedicated to a mission of help and fraternalism, to advise fellow amateurs of potential violations of amateur regulations and to request that they take corrective measures in the interest of the general welfare of the Amateur Radio Service. We are confident that you are this type of individual and that you will continue the good reputation of the OO program that has been established both among amateurs and FCC officials who are aware of and in sympathy with the self-regulatory goals of the Amateur Radio Service.

Any potential violation by an amateur of an FCC regulation is of interest and concern to all of us as radio amateurs. The purpose of the Amateur Auxiliary/OO program is to note such discrepancies and call them to the attention of those who very often are unaware of the discrepancy or who do not realize that what they are doing may be in violation. We as amateurs must keep our own house in order since, as already noted, the Field Operations Bureau of the FCC has the function of enforcing the regulations governing many services, and the demands on it are much greater than it can adequately perform. It is imperative that through the Amateur Auxiliary, and the ARRL structure of OO, OO Coordinator and Regional Monitoring Station, the FCC is no longer overburdened with amateur matters. Expertise and motivation must be channeled in an organized fashion such that amateurs needing assistance or seeking guidance on regulatory interpretations request such enlightenment from the Amateur Auxiliary and not further strain the diminished resources of the federal government. The role of the FCC should be seen as a "court of last resort" and then only in accordance with a well defined flow of lower level actions prescribed to resolve a matter of non-compliance. Such procedure is defined in this chapter.

4.2 Qualifications

To be appointed as an Official Observer the candidate must meet the qualifications outlined on form FSD-187, be recommended for appointment by the Section Manager, and successfully complete this FCC-approved training program. The final step in this training program is to successfully complete the examination phase. After the OO candidate has submitted the exam to HQ for evaluation, both the candidate and Section Manager will be advised of the results. Upon successful completion of this phase, the Section Manager will then issue the Official Observer certificate. The new OO can then begin volunteer monitoring duties.

4.3 Official Observer Advisory Notice, FSD-213

The primary notification tool of the OO is the Official Observer Advisory Notice, FSD-213. This card is used for notifying stations of discrepancies in operating. A space is provided for reference to the appropriate FCC regulation. Table 2.1 is provided for quick reference when filling out the advisory notice. The OO should research the regulation in question to be sure it applies. The index of *The FCC Rule Book* is another more comprehensive listing of references of FCC regulations. The psychology of properly filling out a FSD-213 is contained in paragraph 5.3. A rubber stamp is convenient for indicating return address. Cards for amateurs for whom you do not have an address may be mailed to the Field Services Department at HQ for forwarding, including Novices not yet listed in a call-sign directory. Stations operating under reciprocal operating permit may also be difficult to locate. Such cards may also be sent to HQ for forwarding where addresses can be determined.

Official Observers should be careful to avoid sending a notice to someone interfering with them or a net or repeater in which they are operating. This is not ordinarily conducive to good relations with the amateurs the program is trying to serve. Even when an interfering station has key clicks or chirps or is splattering badly, it is best not to take the chance of giving the impression that the notice arises from your personal interest. (On the other hand, there is no harm in asking another Observer to take an independent look if the clicks/chirp continue to be observed.) Make your advisories strictly the result of detached objective monitoring in which you are not otherwise personally involved.

4.4 Reporting Your Activity, FSD-23

The OO is required to report to the section OO Coordinator or Section Manager in a regular, timely manner. The Section Manager (or OO Coordinator) determines the acceptable frequency of reporting on a discretionary basis. FSD-23 is used for this purpose. You should retain a copy for your records. A compilation of observation statistics will prove helpful to an evaluation of the effectiveness of the Amateur Auxiliary. Please keep your FSD-23 free of extraneous comments; just the facts. A copy of FSD-23 will be retained by the OO Coordinator and the original forwarded to ARRL HQ All copies will be destroyed after one year to prevent the potential improper use of the material. In an ongoing serious situation, records may be retained for a longer period of time. However, in accordance with standard FCC procedures, the maximum holding period even for such serious situations is five years.

4.5 Good Guy Report, FSD-15

When the OO program became a function of the Field Operations Bureau Amateur Auxiliary, a new feature was added: The "Good Guy Report." To further project the Amateur Auxiliary's objective of being of assistance to fellow amateurs, the OO may now also report stations heard that have outstanding *good* signals or operating procedures. In today's radio world of high quality commercial equipment, the radio owner is less likely to be responsible for the technical excellence of his signal. But operating skill is still a matter of individual cultivation. Thus, it is primarily operating technique that would be subject to recognition via the "Good Guy Report." Such reports should not be sent out wholesale, but reserved for only those amateurs who set an example for the rest of the community by displaying the *best* that Amateur Radio has to offer. In our zeal to improve the not-so good, perhaps we have overlooked what's *good* about Amateur