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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

SBE Certified Senior  
Broadcast Engineer

Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

re: PR Docket No. 92-136

Dear Madam Secretary,

Enclosed is one original plus nine copies of my comments toward PR Docket No. 92-136. Kindly forward one copy to each Commissioner for their consideration.

Please address any questions to the above address.

Sincerely,



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September 23, 1992

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MAIL BRANCH

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PR Docket No. 92-136

The Commission, in its Notice of Proposed Rulemaking in the above referenced Docket seeks to improve the Amateur Service by making certain changes to Section 97.113 of the Rules. My comments are intended to generally support the intent of the NPRM, however, I would like to expound upon specific wording of the proposed changes.

Appendix 2 of the NPRM contains the proposed language of 97.113. I take exception to 97.113(4)(b) whereby "An amateur station shall not engage in any form of broadcasting...". Interpretation of this section would appear to disallow an amateur operator from making the hypothetical transmission:

"N1IXJ with a traffic advisory. Route 95 Northbound has a disabled vehicle in the left lane causing a 1 mile backup. Advise you use exit 8 as an alternate. N1IXJ clear".

The intent of this open-ended transmission is to serve the public interest. Other amateurs monitoring the frequency would be forewarned of a hazardous condition. The contents of this transmission would be perfectly acceptable assuming I were engaged in a two way conversation. By transmitting this one-way advisory, I would believe myself to be in violation of the Rules.

I would like to recommend that 97.113(4)(b) be worded as follows "An amateur station shall not engage in any routine form of broadcasting, nor shall an amateur station transmit routine one-way communications except as specifically provided in these rules.

I believe specifying that only routine one-way transmissions are prohibited will allow greater flexibility by facilitating advisories to other amateurs in situations where traffic flow has become impaired, a public facility has abruptly changed schedule, an event has been unexpectedly cancelled, etc. I would like to point out this type of service is commonly available in the Citizen's Band. It is not the intention of my proposal to allow for "Smokey Bear" reports in the Amateur Service. It is my belief that the Amateur Community is mature and responsible and would find the greater flexibility I propose to be of advantage, promote public service and enhance safety.

The Commission's proposed rewording of 97.113(4)(b) contains reference to prohibition of amateur communications relating to newsgathering and program production. I believe that the public interest would be served by allowing amateur operators to engage in limited non-routine newsgathering activities provided that there exists sufficient cause to do so i.e. alerting local radio, television broadcast stations or news/traffic services to hazardous traffic conditions, and (unusual) circumstances where the general public welfare would be served.

The intent of my proposed wording change is to provide greater opportunity to serve the public while specifically disallowing any such routine activity, or any such activity where compensation is provided. For practical example, my perspective is one of being employed in the broadcast industry. I would like to be able to alert a local broadcaster or traffic service of unusual or hazardous conditions. This privilege, however, in no way should be extended to routine transmissions such as calling in everyday at a specific time during the commute to/from work to a traffic service to say "Everything on the Interstate is o.k.". Routine transmissions of this nature are generally forwarded on cellular phone or broadcast auxiliary frequencies and compensation is usually provided. It is common practice among broadcasters to accept information from outside sources, edit the content thereof and have their local announcer disseminate the news at an appropriate time. No "program production" is involved in these cases.

While the spirit of the proposed rewording of 97.113(4)(b) by the Commission may appear to allow some of the transmission specifics I cited, the interpretation is unclear at best. In not all circumstances might the immediate safety of human life be at stake, however, opportunities to provide valuable community or public service might be missed. I propose to allow such communications in the belief that the Amateur Community can best determine in which manner individual situations be handled. In only the most severe of conditions or circumstance might a broadcaster directly repeat an amateur communication (i.e. a repeater phone patch call to a radio/TV station) and this is provided for appropriately under the immediate safety of human life circumstances. An example might be a warning of an immediately approaching tornado.

The following pages contain my thoughts on another facet of public service and safety, although the overall issue is much deeper. The Commission is asked to consider the topic, if not within the context of this Rulemaking, then to institute a new NPRM dedicated to the enhancement of the Amateur Service.

While not specifically addressed in this NPRM, I am compelled to call the Commission's attention to this additional item. Since this NPRM addresses the general issue of public service, I would ask the Commission to consider amending its Rules to allow a greater population of the high frequency bands by relaxing the Morse code requirements for such operation.

We have in the past months witnessed natural disasters in Florida, Hawaii, and Guam. By far, the HF bands carry the bulk of emergency traffic as well as health-and-welfare traffic during and after these events. For background, I would like to point out that I received my first Amateur license about twenty years ago as WN1PSD in the Novice Class. Not having operated much in that capacity, I let the license expire. In March of 1991, I took advantage of the no-code Technician license opportunity. I did restudy the code and successfully passed the 5 wpm test thus earning the Technician-Plus license under the callsign N1IXJ. Had it not been for the no-code opportunity, I would not be an active Amateur Operator today. I always considered the code requirement a roadblock.

I urge the Commission to open the doors to the HF bands by allowing operation in the HF bands by those persons having successfully passed a 5 wpm Morse code test. I propose to keep intact the license grades as they now stand as well as the band plans which call for specific segments for CW-only operation and class restrictions in certain band segments. Thus, it would be possible for a person to hold an Extra Class license by successfully passing a 5 wpm code test plus the appropriate written examination(s) for that grade license.

The Commission set a bold precedent by institution of the no-code Technician license. The overwhelming majority of the Amateur Community, including the ARRL appears to favor this action. From personal experience, I have heard a very positive response to the no-code class whenever the subject arises on the VHF bands. It would appear, from personal observation, that the demographic of HF operators is much older than that of VHF operators. The Commission is urged to consider opening opportunities on the HF bands with the expectation of an equally positive response given sufficient time.

This writer certainly recognizes that there will be some amateurs steadfastly opposed to my suggestion for much the same reasons as were voiced during the no-code Proceedings. To the issue of public service...if we are to maintain a healthy, growing community of HF operators who are equipped to serve in natural or manmade disasters we must provide a gateway to that end. Opening the doors to the HF bands would serve the public interest by allowing younger, technically proficient operators to migrate to the HF bands and introduce new technology for better communications. As a practical example, we now see many commercial HF transceivers using DSP (Digital Signal Processing) technology to overcome interference. An incentive is necessary to keep this new technology forthcoming.

With the Morse code playing a greatly diminished role in day to day modern communications, (i.e. AT&T having abandon Morse code in favor of digital modes) we should not restrict opportunities to would-be HF operators. I do recognize that International Regulations call for a Morse code test and I believe that 5 wpm is reasonable and would satisfy that requirement. Furthermore, the retention of the code bands in their present form would maintain an area for CW-only operation with the higher grade operators (i.e. Extra Class) having their reserved portion for higher speed operation. Although it would be theoretically possible for a proposed Extra operator to operate 5 wpm in the Extra CW-only band, I believe that the Amateur community is responsible and would establish its own guidelines to discourage the practice. I would analogize this to a person wishing to drive slow on a super-highway. Such a person would usually choose the right lane, not the leftmost lane to drive slower.

In my Broadcast Engineering Consulting practice, I perform many computer analyses using modern moment-method techniques, matrix feed inversions, etc. I would like the opportunity to expand these techniques on the HF bands. I cannot, however, devote time to study code proficiency, a mode that I would (frankly) have no intention of ever using. I find it ironic that for an amateur to operate the most technically sophisticated station (a space station) he/she must hold an Extra Class license. To earn that license under current Rules he/she must be proficient in the oldest form of radio communications. Like requiring an Indie 500 race car driver to be experienced in piloting a horse and buggy! I believe that there are many younger technically minded individuals who would benefit greatly from expanded opportunities to operate in the HF bands and who can contribute significantly in the utilization of these bands. This is evidenced by the number of people who have earned the no-code license. We have witnessed a large number of technically proficient people entering the Amateur ranks.

The Commission has recognized that the Amateur Community has performed the task of administering examinations in an exemplary manner. Tests for the various operator grades are upgraded periodically to maintain pace with ever-changing technology. I urge the Commission to consider the public service and safety aspect of my comments regarding the Morse code relaxation proposal I have outlined. The public would be served by permitting growth in the HF bands, usually the only means of long range communications following a disaster situation. By maintaining the structure of the various license classes, an incentive for greater technical proficiency is kept in place. Most radio clubs offer classes for license upgrade and thus greater privileges are earned, not given.

The Commission is asked to consider that an overall benefit is derived by allowing amateur operators to better serve the public interest. I believe that I have identified three such methods by which to do so.