

ORIGINAL FILE

The Portland Amateur Radio Club
c/o R. Mayer
6115 SE 13th Avenue
Portland, Oregon 97202
November 30, 1992

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In the Matter of)
)
Amendment of Part 97 of the)
Commission's Rules to Relax)
Restrictions on the Scope of)
Permissible Communications in)
The Amateur Radio Services)

DEC 1 1992

FCC - MAIL ROOM
PR Docket No. 92-136
RM-7849
RM-7895
RM-7896

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Office of the Secretary
Federal Communications Commission
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

Transmitted herewith are an original and nine copies
of reply comments of The Portland (Oregon) Amateur Radio
Club.

Respectfully submitted,
The Portland Amateur Radio Club

James H. Walters, WB7AAK
Chair, Legal Affairs Committee
The Portland Amateur Radio Club

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Before the
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REPLY COMMENTS OF THE PORTLAND AMATEUR RADIO CLUB

These comments are submitted by the Portland Amateur Radio Club in reply to comments submitted October 1, 1992 by the American Radio Relay League, Inc., hereinafter, the League. The Portland Amateur Radio Club is located in the metropolitan area of Portland, Oregon. The club is a major responder for the City of Portland, Oregon Office of Emergency Management, is affiliated with the Oregon Trail Chapter of the Red Cross Emergency Services, and supports numerous public service events with emergency communications such as Artquake and the Portland Marathon.

The Portland Amateur Radio Club is concerned that, as proposed, the rule changes would allow, for example, a volunteer staffed organization to use amateur radio twenty-four hours per day for the organization's regular

business. The Portland Amateur Radio Club is supportive of volunteer organizations, but believes that the potential for abuse is great. In their comments, the League cites the philosophical underpinnings of the proposed rule changes "in general, unless amateur communications are done for compensation, or for the pecuniary benefit of the amateur or his or her employer, they are permissible." (Comments of the League, October 1, 1992, page 3, lines 15-18). Following this philosophy, as long as an amateur was not an employee of the organization, the amateur could conduct everyday business of the organization via amateur radio. The Portland Amateur Radio Club feels that the potential for destroying the non-commercial nature of amateur radio is great. The rules as currently written provide that amateur radio cannot be used to enhance the regular business of any organization. However, rewritten as proposed, the use of amateur radio for the regular business of a volunteer staffed organization would be allowed, so long as the amateur radio operators involved were not paid by the volunteer organization.

The League asserts that "[p]rovided that an amateur is not compensated for the communications, nor otherwise to derive pecuniary benefit from it, and if his or her employer does not benefit therefrom, he or she may be relied upon to diligently protect the non-commercial integrity of the Service from exploitation by non-amateur entities." (Comments of the League, October 1, 1992, page 4, lines 18-22). The Portland Amateur Radio Club believes that merely because an individual is not being paid for or otherwise deriving pecuniary benefit from an activity will not ensure diligent protection of the non-commercial integrity of the Amateur Service. Many people are driven by non-monetary rewards.

The League contends in their comments that the proposed §97.113(a)(4) would make it apparent that, for example, amateurs could not regularly conduct police patrols with police officers, based on the language that prohibits transmission of communications, on a regular basis, which could reasonably be furnished alternatively through other radio services. (Comments of the League, October 1, 1992, page 6, lines 19-22).

However, the Portland Amateur Radio Club believes that this example does not adequately portray the potential for abuse. Police services typically already have access to adequate communications. A better example to illustrate the potential for abuse involves a volunteer organization. In times of tight budgets, a group such as a volunteer organization does not have reasonable access to other radio services. The cost of gaining access to other radio services would prevent such access. It would be difficult for a volunteer group to justify the expense of renting a radio communication system, when, under the proposed rule changes, amateur radio would be available to provide normal communications, for minimal cost.

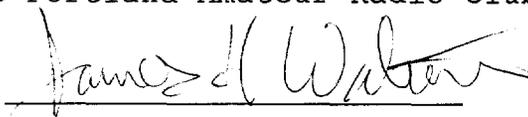
Allowing such abuse to occur, will destroy one purpose for the existence of amateur radio, namely providing a ready communication reserve in times of emergency. This destruction will arise, because the resource will be used up supporting the normal, non-paid, non-pecuniary interest activities of volunteer organizations, before the times of emergency occur. When emergencies do happen there will be no ready reserve available to be used.

The Portland Amateur Radio Club believes that the

difference between true emergency communication, i.e., transient, and regular ongoing business must be adequately spelled out in the rules to avoid these potential abuses. The Portland Amateur Radio Club believes that a non-exclusive list of guidelines providing examples of allowable communications, e.g., radio club business, should be provided.

The Portland Amateur Radio Club believes that there must be explicit comment on the part of Commission that lack of monetary funds is not an excuse that would allow any organization to fall within the "could reasonably be furnished alternatively through other radio services" loophole in the proposed rules. Alternatively, the rule needs to be worded to expressly state that lack of funding does not put an organization within the noted exception.

The League states that protection of the integrity of the Amateur Service arises from amateurs themselves. However, it should be noted that in early days of RACES, local governments were using amateur radio RACES licenses to perform dispatching of police cars. Such activities led to RACES rules change that allow operation only two hours per month in times of non-emergency, for testing purposes. The integrity of the Amateur Service was severely jeopardized, despite any efforts or good intentions on the part of amateurs themselves.

Respectfully submitted,
The Portland Amateur Radio Club
By 
James H. Walters, WB7AAK
Chair, Legal Affairs Committee