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May 9, 1994

**Before the**  
**Federal Communications Commission**  
**Washington, D.C. 20554**

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**Reply Comments In the Matter Of:**

**Amendment of the Amateur**  
**Service Rules to Implement**  
**a Vanity Call Sign System.**

**PA Docket No. 93-305**

**To the Commission:**

**Introduction**

I have been continuously licensed in the Amateur Radio Service, first as Novice Class operator KN4KYO on September 17, 1956, and then as K4KYO after my license upgrade on March 27, 1957. I am a Life Member of both the American Radio Relay League (ARRL) and the Quarter Century Wireless Association (QCWA) and have been a member of those two organizations for thirty eight (38) and thirteen (13) years respectively. These reply comments are being submitted after having reviewed a majority of the correspondence submitted regarding the above referenced PA Docket, including all of those submitted by clubs, the ARRL, and the QCWA. They reflect my perspective as a long term active amateur radio operator who values his call sign as a fraternal identity and one who has taken advantage of then allowable station licensing to preserve it through moves to four different United States call areas and also as a citizen interested in reducing unnecessary government spending.

**Reply Comment Overview**

It appeared that a majority of the respondents assumed that adopting the rule change allowing a Vanity Call Sign System is a forgone conclusion. There were very few comments that expressed either strong support or opposition. With only a few exceptions, there was little said regarding any anticipated or potential effect adopting the proposed amendment might have on the Commission.

**Reply Comment Regarding the Cost of Providing Government Services**

Most respondents not expressing outright opposition addressed only receiving services and how the proposed fee structure may negatively impact on them. There was little said that related to the effect any such amendment may have on the Commission, its mission, or any potential of loss to the government. However, just because these issues were eclipsed by the respondents' other interests does not in any way diminishes the crucial importance the Commission's close consideration of how assigning additional non mission essential tasks and administrative functions might adversely effect its normal functions.

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The Federal Communications Commission is a regulatory agency. Its function is to regulate communications rather than engage in the business of selling consumer goods or amateur radio call signs. It was neither created or organized as a business for profit and its staff was not selected for its ability to survey the marketplace and determine whether or not any given enterprise might be profitable, or for that matter, even evaluate whether such might even pay for itself. In spite of how efficient the Commission's automated system advocates promise it will be and the suggestions that the anticipated revenue from the fees collected will more than offset the costs, history has shown that most government services end up operating at a loss. Especially considering the aforementioned lack of internal marketing expertise, the effect of the potential costs of administering the proposed fee collections, and an apparent lack of licensee interest that is probably below the numbers that would be sufficient to reach a hypothetical break even point, the vanity call sign system is likely to be no exception.

It has been suggested that a majority of the amateur radio community supports the proposed rule change which might suggest huge revenues. However, in spite of the ARRL's aggressive campaign in the amendment's favor and its successful petition to have the time for comments to the Commission extended, there were only about 108 licensed amateurs who were motivated enough over those several months to respond to the Commission one way or another. A reasonable and prudent person might logically conclude that there would be little response to a vanity call sign system and it validates suggestions that the proposed amendment will benefit only the capricious whims of very few. Even if one were to ignore the facts and assume otherwise, they should consider that any significant portion of the almost three-quarter million amateur radio operators applying could easily inundate the Commission's administrative staff and simply sorting the requests could potentially cripple mission essential business. Either scenario suggests that the proposed amendment does not merit further consideration and should be dismissed.

When contemplating assigning new non mission essential tasks to the Commission, please consider the current state of affairs as anecdotally described in a feature article published in the May 1994 issue of *QST* magazine, the official journal of the ARRL, titled "Interference in Reverse" in which Mr. Tom Freedom, W3HVE, related his experiences in 1991 dealing with radio frequency interference (RFI) caused his dentist neighbor's burglar alarm system. He described the dentist's uncooperative spirit and went on to tell how he solicited the help of the Commission's Langhorn, Pennsylvania, field office. He said that his first contact with the office resulted in a letter being sent to the offending neighbor on November 27, 1991, under file number PA-92-336. However, the neighbor still refused to cooperate, so Mr. Freedom went back to the Commission. Quoting from the article, he said,

"I waited 30 days, then another 30 days. No word from the dentist. No word from the FCC. And no end to the interference! My letter of inquiry to the FCC went unanswered. Repeated phone calls were always intercepted by a secretary with a stereotypical 'I'll pull your file and call it to the attention of the engineer.' This state of affairs persisted throughout 1992."

Unfortunately, Mr. Freedom became so exasperated with the Commission's failure to respond to one of its primary mission tasks and follow up on his complaint, he said that he finally resorted to soliciting his Member of Congress for assistance. Again quoting from Mr. Freedom's article,

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"(The Congressman's aide) agreed to call the FCC on my behalf. As it turned out, he made several calls. On one occasion he was told that (my emphasis) *FCC priority on subjects relating to ham radio were close to zero due to underfunding and understaffing.*"

After the Congressional intervention, the Commission applied the necessary attention and the interference problem was finally resolved, but only after *more than a year and a half of Mr. Freedom's persistent effort.* In a final comment in his description of incident, he said,

"The FCC sent me a letter dated July 8, 1993, in which they deplored the expense and inconvenience - (Mr. Freedom's emphasis) *to the dentist!*"

In this same general vein, I remind the Commissioners also of PR Docket 93-267 from November 1993 that asked for a 120 day temporary operating authority for those who successfully passed their amateur radio license examinations. That proposed rule amendment was the result of what was reported by David Sumner, K1ZZ, the ARRL's Executive Vice President, as the extreme delay in the Commission's processing the license that had amounted to as long as three months. Since then, the processing time as reported by newly licensed amateur radio operators both on the air and on computer bulletin board networks has improved, but still requires in excess of six weeks. My personal experience in having a lost original license replaced this past February, an operation that should have required nothing more than a computer database look-up and a printout, required more than seven weeks after my fax request directly to Gettysburg.

The Volunteer Examiner (VE) and many other recent rule amendments have been justified in the furtherance of mandated deregulation and because they serve to reduce administrative costs and staff workload presumably to typically relieve the burdens caused by the *"underfunding and understaffing"* mentioned by Mr. Freedom and the many processing delays described by Mr. Sumner. While discarding legitimate statutory functions can be defended in the interest of reducing cost and labor, taking on this additional task that is (1) beyond the Commission's primary regulatory function, (2) serves no useful purpose, (3) has no substance, (4) is frivolous, and (5) does nothing whatsoever to serve furthering the Amateur Service's purpose as stated in section 97.1 of the rules is simply inappropriate. Adopting this rule amendment can only serve to further divert the Commission's attention and resources from its primary statutory mission and make an already bad situation worse.

In his comments to the Commission, John W. Winter, K5CT, summed it up very well when he said, "The present system of randomly generated call signs is more democratic and in the true service oriented spirit of the Amateur Radio Service." He concluded by saying "Please do not change something that is working well to satisfy a small minority." While I may quibble with Mr. Winter's observation that the licensing system is "working well," his points opposing the proposed vanity call sign amendment that suggest not complicating the process are valid.

**Comments of Christopher Imlay, N3AKD, on behalf of the American Radio Relay League**

Being the largest and most viable of the amateur radio organizations, the ARRL has appropriately enjoyed an amicable relationship with the Commission and for the most part, the League has done its best to make every effort to served the best interests of amateur radio. However, if you look at the numbers polled and the polling methods

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used in deciding its position on this amendment, and in spite of an implied suggestion to the contrary, in this instance they represent the views of only a small portion of the amateur radio community and do not serve the best interests of the Amateur Radio Service.

The "ARRL Ad-Hoc Committee on Preferred Call Signs" was formed to study the proposed amendment and they conducted a poll to determine the sentiment of the amateur radio community, but according to their published report, they did not access licensed amateur radio operators in sufficient numbers to provide any valid data. They stated that they actively solicited comments via packet radio, the ARRL computer bulletin board, club newsletters, the CompuServe information service, and mail to the ARRL. Their active solicitation resulted in approximately 730 responses. Of that number, they stated that 7% were completely opposed, and 3% apparently made specific comments regarding eligibility for General Class licensees only. The committee did not provide any specific details regarding the other approximately 657 comments, apparently implying that they at least conditionally support the amendment. However, if the responses the ARRL's committee received were anything similar to the diversity of those that I reviewed that were addressed to the Commission, I do not believe that it would not be appropriate to assume the implied support..

According to *Radio Amateur Callbook* magazine's 1994 edition, there were 614,398 licensed amateur radio operators at the end of 1993. Those the ARRL committee solicited for comments represent only one-tenth of one percent (.1%) of that number. Further, according to a professional doctorate level statistician for a U.S. Government agency with whom I consulted regarding the committee's analysis (his identity will be provided on request), neither the polling method or the numbers surveyed represent a valid scientific sampling, therefore strongly suggesting an incompetent conclusion.

Mr. Imlay's comments in support of the proposed amendment contain the statement that "There is a strong sense of identity and fraternalism among amateur radio operators fostered by their call signs. In addition, the call sign reflects a sense of pride and accomplishment." I thoroughly agree with this statement, but contrary to his suggestion, vanity call signs will denigrate the identity and fraternalism and defeat the spirit of accomplishment. I believe that any reasonable and prudent person would agree that purchasing, or as William Edwards, K7PK said in his response to the Commission termed it, "renting" a call sign of choice, particularly one that may have belonged to a now deceased distinguished fellow amateur, fosters no sense of identity and fraternalism whatsoever, nor does it inspire any sense of pride or accomplishment. It in fact has quite the opposite effect.

**Effect on the Amateur Radio Community**

In his comments, Bill Kaylor, W9DSM, made reference to the purpose of amateur radio as being to provide a public service when called on and cited the rewards derived as being frequently nothing more than the anonymous satisfaction of doing the job. He suggested that vanity call signs are not in accordance with that spirit, but will instead "be a disruptive point of contention." He went on to say, "Instead of sowing the seeds of contention, we need to be considering how we can create more harmony within the (Amateur Radio) Service."

Although the slightly more than one-hundred who submitted comments to the Commission represent only *two one-hundredths of one percent* (.02%) of the American amateur radio community, the proposed rule amendment is a hot

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topic on the air, on packet radio, and on computer bulletin boards. Mr. Kaylor's suggestion that the subject is "a disruptive point of contention" is certainly proven in those forums. Many experienced amateur radio operators cherish their "preferred" call signs as evidence of their experience in the hobby and look on the proposed amendment as something that will dilute these distinctive symbols of their seniority. This attitude was probably the basis for the comments Jack Kelleher, W4ZZ, made on behalf of the Quarter Century Wireless Association to the Commission. Judging by the sometime savage verbal attacks on senior amateurs who have openly opposed the proposed rule amendment, it would appear that some of the newer licensees apparently covet these older call signs not unlike insecure adolescents who try to make themselves appear older. Unfortunately, Mr. Kaylor's point is indeed valid.

### **Intellectual Property of "Ham" Authors**

Phyllis A. Naramore, WA1WPX, said that she was "appalled" by the proposed rule amendment and among her comments made reference to the numbers of literary works published under various amateur radio operators' call signs. With call signs frequently being unique to an individual throughout their lifetime, they frequently give instant recognition for credibility earned as an authoritative member of the amateur radio community. Publishers recognize that and have always included ham authors' call signs in amateur radio article and publication bylines. It therefore stands to reason that the possibility exists that another individual may capture undeserved literary credit by taking advantage of the proposed rule amendment, should it be adopted.

As a hypothetical example, I proffer that Lew McCoy, WIICP, is one of the most prolific technical writers in the history of amateur radio and many people who have read his articles know that call sign and recognize anything published under that byline as being worthwhile and authoritative. Consider that some day, hopefully in the far distant future, when Lew finally relinquishes that call, assume for the sake of this hypothesis that it is chosen by an individual who also writes amateur radio articles. Should that person be allowed to buy the recognition that WIICP earned over a number of decades? I don't think so.

### **Summary**

- (1) The proposed amendment to the Amateur Service rules is frivolous, serves only the capricious vanity of a very few, provides no useful purpose, serves as a distraction from the Commission's regulatory mission, and does nothing whatsoever to further the purposes of the Amateur Radio Service as stated in section 97.1 of the rules. It would unnecessarily modify a call sign assignment system that is already in place and with the exception of only one period, has functioned reasonably well. That exception was another time when a vanity call sign system was attempted, but later discarded as a bad idea.
- (2) Implementing and maintaining the amendment amounts to adding another time and resource consuming task to an already *understaffed and underfunded* Commission that is perceived by many as being only marginally functional. Collecting the proposed fees introduces an additional administrative task and promises to do nothing that will relieve the general state of affairs.
- (3) Contrary to what has been suggested, it is evident that only a tiny minority of the amateur radio community supports the proposed amendment. Numbers cited by the ARRL suggest an incompetent conclusion based

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on faulty polling methods and although the time for comments to the Commission was extended, respondents on both sides of the issue represented only about *two one-hundredths* of one percent (.02%) of the amateur radio community, suggesting a widespread lack of interest.

- (4) Based on the arguments and heated exchanges between amateur radio licensees with opposing points of view, sometimes resulting in vicious verbal attacks, the proposed amendment fosters dissension and ill will among the amateur radio community. It promises to do nothing that will contribute anything positive to the majority of the Amateur Radio Service's licensees.
- (5) There is a distinct possibility that intellectual or other property can be devalued or improperly seized by those who capture the previously issued call signs that have been associated either as an authors byline or in some other way with other noteworthy or commercially successful applications.

**Conclusion**

The proposed Vanity Call Sign amendment to the Amateur Radio Service rules is an exceptionally ill conceived idea that enjoys very little popularity among a majority of the amateur radio community and promises only to exacerbate problems that currently encumber the Commission's ability to function. I strongly recommend that PA Docket 93-305 be summarily dismissed without action.

Respectfully submitted:



Richard A. Stalls, K4KYO