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FEDERAL COMMUNICATIONS COMMISSION

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

In the Matter of) WT Docket No. 98-143
1998 Biennial Regulatory) RM-9148
Review - Amendment of Part 97) RM-9150
of the Commission's Amateur) RM-9196
Service Rules.)
)

COMMENTS OF

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October 19, 1998

I file these comments on October 19, 1998, in the FCC's Notice of Proposed Rule Making WT Docket 98-143.

SUMMARY:

The goal of eliminating unnecessary licensing requirements for amateur radio operators is an excellent idea. But, the government should first look at how much regulation of this HOBBY is really needed and not just tweak existing regulations. Licens-

ing requirements far beyond reasonable health and safety needs and meeting international agreements, have greatly hindered the technological advancement of ham radio in the past decades. A code requirement above 5 WPM is not justified nor desired by a majority of hams. The current incentive licensing system should be restructured to encourage personal and technological advancement.

COMMENTS:

My interest in ham radio goes back about 50 years to when I got my first "ham" receiver and listened in to world-wide amateur radio communications. I went on to earn a MS in Engineering, a PE License and a commercial radiotelephone license. I worked for almost 30 years for the Federal Government in Washington, D.C., before retiring in 1990. I currently hold an Extra Class amateur license (KW5D).

Commissioner Harold W. Furchtgott-Roth's statement accompanying the NPR announcement concerning Part 97 of the Commission's Rules to Simplify the Amateur Service Rules and to Delete Unnecessary Requirements and Procedures seems to suggest the time may finally be at hand when the FCC will seriously consider eliminating some of the unnecessary and detrimental federal regulation which has proved so damaging to our hobby.

The federal role in regulating amateur radio is primarily to allocate bandwidth, protect public health and safety and prevent interference with other users of the radio spectrum. There

is no justification at the technical level for the government to mandate specific emission types or modes of operation, except for meeting specific needs in achieving the above role. There may be a few non-technical reasons for mandating certain modes (e.g., CW) due to international agreements, but such requirements should not be expanded beyond their specific intent. In the case of code, 5 WPM is adequate for the purpose of handling emergency traffic, if it should ever be encountered in code. Clearly, expanding the federal licensing requirement to 12 or 20 WPM is not justified based on any technical grounds.

In establishing federal licensing regulations for an activity such as amateur radio, regulators must not lose sight of the fact that it is just a HOBBY. It is not a profession, a livelihood, a commercial venture, a trade union, a political movement, or many of the other things envisioned by some organizations and individuals, which seem to guide their regulatory proposals.

The ARRL, for instance seems to want the FCC to believe it speaks for the hobby in general. And the FCC seems convinced to the extent that it reproduces the results of an ARRL survey purporting to show that fast code is still popular and is therefore recommended by the ARRL as a licensing requirement. The FCC should be aware of the biases of the ARRL in this matter and should carefully review the methodology and findings of the ARRL sponsored study before blindly accepting its findings. The survey is suspect because of its highly leading phraseology and dubious methodology (see, "ARRL CODE SURVEY", Alex Haynes, 73

Amateur Radio Today, March, 1997, p. 37).

When submitting recommendations to the FCC, the ARRL should make clear it is speaking only on behalf of its membership, which is limited to less than one-quarter of all licensed amateur radio operators. Further, the ARRL should explain that its membership comprises only a small fraction of all American citizens and potential licensees who would be affected by their recommendations, if they become law. The ARRL disclaimer should point out that these other groups have not been consulted in a comprehensive way, that in many cases they have been intentionally excluded in the process of developing ARRL recommendations and the ARRL has no way of knowing if their recommendations represent a majority opinion of all licensed amateurs. In short, the ARRL should refrain from giving the impression it is speaking for the majority of hams, or is expressing a consensus of the majority of citizens on this or other amateur radio related issues, unless they can demonstrate otherwise.

The actual portion of licensed amateur radio operators that support the fast code licensing requirement is far less than the ARRL survey would suggest. The FCC staff should research the current field of amateur radio literature which clearly indicates through informal reader surveys and other methods that only a small minority of hams (and the ARRL Directors) still believe fast code should be a licensing requirement.

However, the real issue is whether or not the government should

mandate a code requirement for an amateur radio license faster than that required by international agreement.

Since there is no technical need for fast code, and most current and potential hams don't want, use or need code, the government would seem to be way off base in perpetuating such an unnecessary licensing requirement.

Further, I am convinced the fast code requirement has been one of the major reasons why the hobby has stagnated over the past decades. I will not address that matter here in the interest of brevity, however, suffice it to say, the fast code requirement has served as an artificial barrier to entry into the hobby that has prevented many of our youngest and most technically qualified citizens from becoming hams and contributing to the technology of amateur radio.

With regard to the incentive licensing approach still evident in the FCC proposals, I would question the need for, or even the appropriateness of such a program being mandated in federal regulations. Again, this is just a hobby. Why should the federal government be interested in regulating it beyond health, safety and technical/interference matters and how does the current incentive licensing program contribute to achieving those goals?

It should be sufficient, in so far as federal interests are concerned, that an amateur radio operator only be required to

demonstrate his technical/regulatory knowledge and abilities to operate a transmitter of a certain maximum power and on certain frequencies in a safe and effective manner. Much of the rest of what is currently mandated in federal regulations with regard to incentive license classes, operating modes, emission types and so forth would seem to be not only unnecessary, but also unwise.

There is no demonstrated need or justification for government meddling in the hobby of amateur radio beyond specific health, safety and technical issues. Incentives for advancing in the hobby should be left to the participants, who, if they so choose, could join an ARRL-like organization which would encourage technical advancement through certification programs, technical research and publication, contests and many of the other fine programs it already conducts. In short, the kind of personal development program I have in mind would be based on individual advancement in the technology of communications and pride in personal achievement. I have proposed such a redirection to the ARRL and would be happy to provide the FCC with additional detail if requested.

With regard to the current FCC regulations which reward higher operating class licensees with exclusive frequency allocations, I consider this to be heading in the wrong direction.

It no longer seems that granting additional operating frequencies to higher grade licence holders offers much real incentive, since many current operators seem to pay little attention to

their license limitations. Many of the calls I hear on the Extra portions of the bands are from non-Extras. I have never heard an Extra refuse to communicate with another ham not licensed to use these frequencies. Since there is virtually no enforcement and nobody seems to care, additional operating frequency privileges would seem to be a poor incentive for today's amateurs. To the contrary, establishing unenforced band use restrictions sends exactly the wrong message to newcomers to the hobby. My recommendation would be to open up all amateur frequencies to all licensed operators after they prove they are technically capable of operating on them, through a rigorous technical testing procedure.

As an incentive to keep up with the technology, a recertification requirement should be considered, in lieu of automatic license renewal, as is the current practice.

What would such a approach hope to achieve?

Encourage hams to advance based primarily on increasing technological knowledge. By removing the fast code barrier to upgrading, overall amateur technological capabilities would advance at a greater rate.

Communications between hams of different levels would be fostered, rather than inhibited as in the current system which attempts to prevent lower level licensees from communicating with Advanced and Extra Class hams on their "special" frequencies.

Hams at all levels would have an incentive to keep up with the latest developing communications technologies.

Better use would be made of the ham spectrum and a stronger case could be made for keeping it.

In summary, there would seem to be many areas where the FCC could simplify the regulation of amateur radio. By focusing on the fact that amateur radio is first and foremost only a hobby and by placing in perspective the recommendations from organizations such as the ARRL which seek to perpetuate the special operating privileges of a small group of old-timers who cling to the fast code requirement as a bogus bar to entry and advancement, reducing the current Amateur Radio Service regulatory burden would be much easier.

Submitted by:



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