COMMENTS TO: WT DOCKET NO. 98-143

Introduction:

I am in concurrence with your process to review rules and regulations periodically, and to approach changes with the elimination of unnecessary, time-consuming and expensive activities that negatively impact the taxpayer.

As a licensed Radio Amateur, active in many facets of the hobby and service, I applaud the proposed changes as outlined in your NPRM 98-143. However, I feel some areas do require comment from the amateur radio community prior to acceptance.

Although I currently hold a Technician Plus Class license (I passed the Element 3B - General Theory at the same time I passed the requirements for the Technician Plus license), I trust my comments will be read with objectivity and not misconstrued as being self-serving.

In general, and as a counter to other proposals/comments known to me, I strongly suggest that the names of the various licenses not be changed from the current Technician, General, Advanced and Extra. People like titles; and like to earn titles, rather than be assigned numbers or letters. Regardless of pressures either from domestic or foreign actions, retention of license class titles is important to me and others.

Number of License Classes

I agree in the reduction of the number of license classes to four from the current six by deleting the Novice and Technician Plus Classes.

It is obvious that the Novice Class license is not the current choice of entry into the Amateur Radio Service; and that the Technician (no-code) license is the current avenue of choice. The Novice Class should be phased out; and I agree to the grandfathering rights with the option for renewal and/or modification as you state.

As to the disposition of the Novice bands and Novice operating privileges: I feel that the frequency realignment as outlined in the ARRL proposal is fair and acceptable as written. Also, I feel that a Novice Class licensee should be authorized all of the CW HF band privileges afforded the General Class licensee; however with a transmitter power limitation of 200 watts and limited to CW on the 10, 15, 40 and 80 Meter bands.

Concerning the Technician Class and the Technician Plus Class being all but identical with the exception of a code examination, I disagree to the extent that from my personal experience and knowledge of many Technician Plus license holders have exercised their rights both on the CW and the voice portions of the authorized HF bands. I've talked by radio with amateur radio operators all over the World in more than 200 radio "countries" on the authorized portion of the 10 Meter band. Technician Plus license holders do use the HF privileges. However, I agree with the phase out of the Technician Plus Class license, but I disagree with the proposal to revert license renewals to the lesser Technician Class license.
Those who took the initiative and made the extra effort to pass the 5 wpm code examination should be recognized as being amateurs interested in more than VHF/UHF

privileges. I feel Technician Plus Class licensees should be automatically upgraded to the General Class license. (See my suggested Morse code requirements and license examination changes.)

Greater Volunteer Examiner Opportunities:

In paragraph 14 of the docket, I read a possible conflict in your proposal. In one sentence you state a proposal to permit General Class VEs to administer examinations for Technician Class licenses. And then you say: "…, examiners will be administering only elements which they themselves have received credit for.", which could be construed to mean a licensed General may administer the General examination.

I agree with the premise that licensees holding one or more classes of license higher may administer examinations for the lesser class license, except in the case of Extra Class licenses. (i.e. Generals administer Technicians; Advanced administer General; and Extra administer Advanced and Extra.)

RACES Station Licenses:

I agree with your proposal to phase out RACES station licenses by not issuing new licenses and not renewing such licenses.

Privatization of Certain Enforcement Procedures:

Enforcement of the amateur rules and regulations is an extremely difficult matter, and probably should be addressed in two different ways.

Flagrant technical violations of the rules that may affect other radio services or the health and welfare of individuals, such as out-of-band operations, excessive power output and/or excessive RF exposure to the general public, the purity of emissions, re-transmission of unauthorized signals (music, etc.) should be the concern of the FCC enforcement activities in protecting the rights of other radio services and ensure compliance with Federal Law, and prosecuted in accordance with existing law.

Concerning violations of the common customs and courtesies as deemed acceptable conduct in our society, including but not limited to abusive, vulgar or intimidating language; unacceptable operating practices, such as "jamming" or harassment; ignorance or deliberate lack of concern for national or regional "band plans"; interference to household entertainment electronics; and interruption of ongoing communications are a different type of violation.

These violations normally will neither affect other radio services nor pose a threat to life or property; and, actually, fall into the category of bad manners and poor ethical behavior rather than showing a criminal intent to harm.
Society has changed over the years; and actions and speech not long ago deemed totally unacceptable in the public's eye are more and more tolerated as a nuisance rather than a threat to the morality of the populace. Consequently, it is more difficult than ever to convince the judiciary of a violation of these laws.

Many people feel that being a licensed radio amateur is a right extended to them by the Constitution of the United States and its Bills of Rights. I won't argue Constitutional law, however I will offer the common sense approach that being a licensed radio amateur is an earned privilege and not a given right. How can there be a violation of a persons civil rights if a licensee is found to be in violation of the rules governing his actions as a licensed amateur radio operator.

A common parallel to a licensed amateur radio operator can be made to a licensed motor vehicle operator. Granted the issuing agency is different, but in many ways the requirements are similar. In the case of the motor vehicle license, enforcement of the "rules", laws, statues, codes, etc. requires an "army" of enforcement officers – and still many scofflaws exist and violations occur that go undetected by those officers. The only enforcement tool that seems to have any affect on the motorist rather than his own law-abiding ethics is the fear of being caught and the ensuing monetary forfeiture of money as a penalty. For many it would seem that the "only" way to get someone's attention is to go after his pocketbook (his money).

Addressing amateur radio rules violators, the monetary forfeiture and suspension or possible loss of the operating license offers a practical deterrent if enforceable. The FCC does not have either the multitude of "traffic cops" or the legal system to accommodate the "misdemeanor" offender. However, through the amateur community's desires for self-policing, and the advent of the Amateur Auxiliary, there is a reasonable force of manpower that can have a positive effect on enforcement. But, it does little good to issue a citation or "ticket" and not bring the offender "before the judge". Maybe we need to look seriously at the feasibility of violators being "judged" by their peers who are recognized by and given authority from the federal government to take such action.

Back to the violating motorist, he usually has punishment rendered upon him by a single judge or commissioner. Technical violations are not appealable and must be rectified. By re-aligning amateur radio violations onto two separate categories: those of a major or technically damning nature and those of a minor or social nature then specific punishments can be assigned to each depending on the degree or repetitiveness of the violation. Either type of violation may be reported by the Amateur Auxiliary, however the minor violations, or infractions, may be directed to a review by a committee or tribunal of dedicated, knowledgeable amateurs either elected or appointed to their posts and a course of action then recommended to the FCC or other authority deemed acceptable to command and collect punitive fees. Such fees would become payable to the federal government.
Such a system would function much like a "small claims" court staffed with licensed amateurs and with no opportunity for the convicted violator to appeal. Of course, such a system would have to be known to and accepted by the prospective amateur operator upon his signing of the license application.
The warning "ticket" as issued by the Amateur Auxiliary would certainly carry more weight as a deterrent if the offender was assured that continued violation would definitely come to the issuance of an infraction/violation and ultimately result in forfeiture of funds.

So, there would be two courses of action available, the selection of one over the other based on the nature of the violation. Much like our current law enforcement system of

determining felonies and misdemeanors. The vast majority of violations surely fall into the misdemeanor or social category and hopefully would be prosecuted and judged outside the established legal system.

Concerning the fines or forfeitures of funds penalties assessed to various violations, I suggest that they be inline with those currently assessed in the prosecution of motor traffic violations. These smaller amounts of forfeiture probably better reflect the nature of the seriousness of the violation and would be found more acceptable; and more collectable with less difficulty and expense, than the large fines ($5,000 - $10,000) threatened in the Rules.

Telegraphy Examination Requirements:

I agree with your assessment of the decreased roll of Morse code telegraphy as a means of communications in this technically advanced World.

However, various levels of proficiency in Morse code have been a requirement for various levels of amateur radio licenses since the inception of such licenses. I feel there is still a place in the amateur radio licensing structure for a limited Morse code requirement, regardless of international licensing requirements. Even though Morse code as a means of communications is all but obsolete, it still works and can be used with a number of media to exchange intelligence. Learning the Morse code and demonstrating a minimal working knowledge by receiving by ear text sent at 5 wpm should pose little burden to the prospective licensee who wants to earn privileges on the HF bands.

I suggest that an Morse code examination at 5 wpm be part of the requirement for advancement to General Class and a prerequisite to the Advanced and Extra Class licenses; and it would be the <u>only</u> code examination requirement in the amateur radio licensing structure.

I believe doctor's certification of licensee disability should still be required to wavier the Morse code requirement to the high levels of license class. I also feel that when a VEC is presented with such a medical certification, that the VEC accept it without question or comment. VEC's are not trained medical experts and to inquire further would jeopardize the confidentiality aspect mentioned in your proposal. However, the form used for such certification should be an FCC form worded in such a manner that the physician understands the effect that a signed certification of waiver will have on the licensing process of the individual.

Written Examinations

I must preface my comments on this subject by stating that I am not a volunteer examiner and am not aware of the current constraints placed on VEs or VECs as to their lack of flexibility in determining the specific content of written examinations. But, I would certainly encourage that examinations be similar throughout the country. One examiner should not have the advantage of an "easier" test than the next examiner.

The 10 general test topics as set forth in Section 97.503 of the Rules do adequately cover the significant categories of information relevant to amateur radio licensing. Retain the current list of 10 topics. Each and everyone of these topics is still applicable and as a whole encompasses the areas of expertise or knowledge that should be required of the potential amateur radio licensee. Additions and deletions to the individual question pools as periodically updated and approved by the National Conference of VECs is sufficient to ensure currency of subject matter in questions pertaining to technological advancements and changes in amateur practices as needed.

VEs should have the latitude to select questions from the question pools as they wish as long as the numbers of questions chosen for each topic coincide with the Rules. This would allow for the non-selection of obsolete questions that have yet to be purged from the question pool by the process as mentioned above.

All examinations should be multiple-choice rather than "fill-in". Multiple choice tests are easier to administer and serve the same purpose as "fill-ins". This will reduce the time and complexity of the VE sessions.

Also, as you read on, I recommend the total number of examinations administered by VEs be reduced to four (4), including the code examination, from the current eight (8), which include three code examinations.

I suggest you consider the combination of Elements 3(A) and 3(B) into one written examination (re-numbered as Element 3). Make this the written examination for both the Technician Class and General Class license. Expand the examination to 100 questions, and select questions from the question pool in the numbers shown for each of the ten topics. The additional questions allow for a more thorough examination of the applicant's knowledge and skills.

Topic	No. of Questions	Topic	No. of Questions
1	16	6	8
2	10	7	7
3	6	8	9
4	14	9	8
5	10	10	12

Reduce the Morse code requirement to 5 wpm for <u>all</u> classes of license, except Technician Class which does not require code.
Re-number the code examination as Element 1. This should be a receiving by ear test with passage by answering 14 of 20 multiple-choice questions correctly (70%). Technicians Class licensees may upgrade to the General Class license by taking and passing this new Element 1 code examination. To require an additional written examination for the Technician licensee would not be compatible with the overall suggested changes of combining Elements 3(A) and 3(B).

Eliminate examination Element 2. The grandfathered Novice may upgrade to the General Class license by taking and passing the new Element 3 above. Some may argue that this action amounts to re-testing of the Novice, however the requirement to

pass the new Element 3 assures that the Novice has the exposure to the necessary skills and knowledge to qualify as a General Class operator.

Keep the Advanced Class examination as Element 4A (50 questions) with changes in the number of questions selected from the individual 10 topics as follows:

Topic	No. of Questions	Topic	No. of Questions
1	6	6	6
2	5	7	8
3	4	8	4
4	5	9	5
5	7	10	0

Keep the Extra Class examination as Element 4B, however expand it to 50 questions with changes in the number of questions from the individual 10 topics as follows:

Topic	No. of Questions	Topic	No. of Questions
1	8	6	5
2	5	7	5
3	4	8	5
4	5	9	5
5	8	10	0

The changes suggested in the numbers of questions selected from the individual 10 topics, I feel, better directs the prospective licensee's course of study in preparation for the examination and are more in line with those areas that need greater attention in the amateur radio service today.

I suggest that a passing score of 70% be adopted versus the current 73-75%. With examinations of 50 or 100 questions, (and 20 questions for the code examination), it simplifies scoring for the VEs.

The expansion of the Technician/General written examination to 100 questions and the Extra Class written examination to 50 questions provides for the testing of additional knowledge requirements for the "entry-level" Technician Class examinee and in lieu of advanced Morse proficiency for the Advanced Class licensee.

Disposition of Rule Making Petitions

I an in agreement with your decision to dismiss the repetitive petitions (RM-9148, RM-9149, RM-9196 and others mentioned).

Conclusion

All in all, this proposal by the FCC appears to be a positive, forward thinking offer to bring the amateur radio service rules and regulations into the 21st century. Because of the myriad of proposed changes outlined in docket 98-143, and the general feeling among the amateur community that this is an opportunity to "write their own ticket", the volume of comments in response may be far greater than anticipated. I'm hopeful that a

consensus of the majority of caring radio amateurs can be obtained; and that docket 98-143 can ultimately become the basis for a win-win document for us all.

Sincerely,

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