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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 8, 1998

Dear Ms. Terry,

We have just learned that our comments on WT-Docket 98-143, which were filed electronically on November 25, 1998, apparently were not accepted by the Electronic Comment Filing System, and do not appear on the list of comments received. Needless to say, we would like these comments to be part of the docket and to receive the Commission's consideration.

Since we did attempt to file our comments in a timely fashion, we hereby request that you accept the attached copy of those comments, and enter them into the record of the docket, as if they had been properly processed by the ECFS when first submitted. The attached file is in Word 6.0 format.

Thank you in advance for your cooperation in this matter.

Sincerely,  
Richard A. Ross, President  
CQ Communications, Inc.  
25 Newbridge Rd.  
Hicksville, NY 11801

email: cqmagazine@aol.com

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**DEC - 9 1998**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

**COMMENTS OF**

**CQ Communications, Inc.**

25 Newbridge Rd., Hicksville, New York, 11801

Filed November 25, 1998

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### **Executive Summary**

CQ Communications, Inc., a major publisher of amateur radio magazines, books and videos, takes issue with much of the FCC's proposal in this docket. We believe that it will not achieve the goals required to structure the amateur service for a healthy future.

We feel the ARRL's proposal -- which is not acknowledged by this NPRM despite its timely delivery to the Commission -- is basically sound but does not go far enough. We also feel that the other petitions dismissed in this action without consideration of their merits should be considered as part of this proceeding, or in separate proceedings.

We propose an alternative license restructuring plan, capsulized as follows:

Replace the current six classes of license with three, equivalent in operating privileges to the current Technician, General and Amateur Extra Class licenses. Combine current Novice and Technician-Plus licensees into the new General Class; and combine current Advanced Class licensees into the new Amateur Extra Class.

Replace the current 5, 13, and 20-word per minute code tests with either a single 5 wpm test for all license classes above Technician; or a two-step system with 5 wpm for General and 10 wpm for Extra. Our preference is for a single 5 wpm exam, combined with experiential requirements to balance out the reduction in importance of code proficiency in the licensing requirements.

In addition, as an incentive to promote amateur radio activity in schools and in medical rehabilitation settings, we propose creation of a "Basic Amateur Permit," without specific operating privileges or a station callsign. The holder of a Basic Amateur Permit (BAP) would be authorized to be the control operator of a school or hospital club station, under the general supervision of a fully-licensed amateur who would also be station trustee, subject to the limitations on the trustee's operating privileges. BAPs would not expire and could be issued via a permanent Certificate of Successful Completion of Examination (CSCE), since they would not confer any operating privileges in and of themselves.

Finally, we would propose that the Commission expand its proposed changes to §97.505(a) (8) and (9); and allow expired amateur operator licenses of all classes to be used for element credit for the exam elements previously passed, if a former license holder wishes to reactivate his/her license and again become an active amateur.

## I. Introduction

1. CQ Communications, Inc. is the publisher of *CQ The Radio Amateur's Journal*, the leading independent amateur radio magazine in the United States, in continuous publication since 1945; *CQ VHF*, a magazine devoted to "Ham Radio Above 50 MHz"; *CQ Contest*, a specialty magazine devoted to improving technical and operating skills through amateur radio on-air competition; *Communications Quarterly*, a technical journal for amateurs working on the "leading edge" of the radio art; *Popular Communications*, a general interest magazine for the radio hobbyist; *Electronic Servicing and Technology*, the leading trade magazine for the electronic servicing industry; and a wide variety of amateur radio-related books and videotapes. CQ Communications, Inc. was founded in 1979 and is headquartered in Hicksville, New York.

2. As publishers of four amateur radio magazines, as well as a general interest magazine read by many licensed amateurs, we have a unique pipeline to the thoughts and feelings of the broad amateur radio community, including those amateurs who choose not to belong to the American Radio Relay League (ARRL). While we cannot claim to *represent* our readers (since we are not a membership organization), we do believe that we have an accurate perception of their feelings on major issues, and that we have a responsibility to speak out ourselves on these issues. Further, while CQ Communications, Inc. is not itself licensed in the Amateur Service (it cannot be), it is a major "player" in the amateur radio industry, and the company's top executives are, almost without exception, amateur licensees.

3. We are filing comments in this docket for several reasons: a) We believe the FCC's Notice of Proposed Rule Making (NPRM), as written, does not meet the needs of the Amateur Service; b) We believe that the ARRL's comprehensive proposal (which the Commission has received but did not acknowledge in its *Notice*) -- while a good first step -- does not go far enough; and c) We believe that amateur radio will be best served by a third alternative, which we will propose herein. Before addressing these issues, however, we would like to take a few paragraphs to discuss the goals of amateur license restructuring, something that neither the *Notice* nor the ARRL proposal directly address.

## II. Goals of Restructuring

4. The NPRM is contradictory on the Commission's reasons for issuing this proposal. Paragraph 2 of the *Notice* states that the purpose of the proceeding is "to examine our rules ... in an effort to eliminate unnecessary and duplicative rules, as well as to streamline our licensing processes." This seems to separate out the license restructuring from the overall goals of the biennial review process, but no additional explanation is offered.

5. In Paragraph 31 of the *Notice*, the Commission states that "The current operator frequency privileges, structure of the license classes and the requirements for obtaining an amateur license were developed in accordance with the expressed desires of the amateur community to provide motivation for amateur operators to advance their communication and technical skills. We do not believe that sufficient evidence has been presented to justify altering

the current requirements which are in accordance with the basis and purpose of the Amateur Radio Service in the United States." Yet, altering the current requirements and restructuring the license classes is exactly what the Commission proposes to do in the NPRM.

6. According to the Communications Act of 1934, all of the FCC's rules must promote "the public interest, convenience and necessity." The Amateur Service rules have always done so, in accordance with the basis and purpose set out in §97.1 of the Commission's Rules. Any proposal for a major change in those rules must be looked at in the "public interest spotlight" -- Do the current rules still serve the public interest? Will the proposed rules do so better? If so, how?

7. Let us quickly examine how having a strong, vibrant, amateur radio service will serve the public interest, convenience and necessity as we enter the 21st century: First and foremost is the amateur's proven ability in the area of emergency communications. No matter how sophisticated our commercial communications infrastructure becomes, it is still subject to overloading and outright failure in times of natural or manmade disaster and other emergencies. In these cases, emergency officials and members of the public depend on amateur radio to be their link to the rest of the world. Hams' responses in hurricanes and other natural disasters are well-documented, both in our publications and in those of other publishers.

8. Amateurs pride themselves on their technical abilities and particularly on their knowledge and understanding of radio communication. The world around us is going "wireless," but our nation's engineering schools are teaching almost exclusively digital electronics. An engineer, engineering student or technician who wants to get hands-on experience in analog RF

communications today has only one place in which to learn -- amateur radio.

9. And of course, amateurs' ability to make international contacts -- both on the HF bands via ionospheric propagation, and on VHF/UHF frequencies via amateur satellites and international digital networks -- makes each licensee a personal ambassador in one-on-one diplomacy, described by the Rules as our "unique ability to enhance international goodwill." The opportunities afforded by amateur radio in this arena are indeed unique and are of great value to the nation.

10. Does the current licensing structure enhance or inhibit efforts to continue meeting those goals? It is assumed by both the Commission and the ARRL that it inhibits continued growth in the amateur service, but neither addresses the question directly. And frankly, neither proposal would do anything to change the entry-level requirements into the service (except for removing one currently unpopular path of entry, the Novice license). In our view, the problem with the current license structure -- and the problem that both the NPRM and the ARRL proposal attempt to deal with -- is that it is too complex and relies too heavily on proficiency in one communications method -- Morse code -- and thus inhibits upgrading from the entry-level licenses to those with greater or full amateur privileges. In addition, there is a perception by many amateurs that the current licensing structure and examination process do not require sufficient demonstration of proficiency in areas other than Morse code, such as proper operating skills and practical technical knowledge.

11. What should the goals of restructuring be? We believe that four basic goals should be met in any restructuring plan:

- 1) Assure that the license structure complies with international treaty obligations and promotes the basis and purpose of the Amateur Radio Service;
- 2) Brings licensing requirements into line with today's rapidly-changing technology, to the extent that they may be out of step;
- 3) Enhance the attractiveness of the Amateur Radio Service to prospective amateurs through a relevant and meaningful licensing structure; and
- 4) Enhance the usefulness of the license upgrade process in promoting and demonstrating improvement in licensees' technical *and operating* skills.

### III. The FCC's NPRM Will Not Achieve These Goals

12. As written, the proposed changes to Part 97 would produce a licensing structure in which a one-level upgrade from Technician would require passing a 13 wpm code test, along with an additional written exam on theory and operating practices. There would be no change in the "upper" segments of the licensing structure beyond General class. Rather than reducing the emphasis on Morse code in the licensing structure -- as the ARRL and others have proposed, and as the Commission itself has suggested doing in the discussion section of this NPRM (paragraphs 20-24) -- the specific changes proposed (in the Appendix) for Part 97 would place an even greater emphasis on Morse code than currently exists. Proposed §97.501 (Qualifying for an amateur operator license) completely eliminates the Element 1(A) code exam without proposing any changes in speed requirements for the Elements 1(B) or 1(C). If the NPRM is adopted as is,

the entry-level HF code requirement would be 13 wpm.

13. In proposing to eliminate the Technician-Plus Class license, the Commission states in paragraph 13 that "Both Technician and Technician Plus Class licensees predominantly use FM voice and digital packet technologies on the amateur VHF and UHF bands," suggesting that the HF privileges currently granted to Technician Plus licensees are irrelevant. The Commission does not cite the source of this assertion, and we must dispute its accuracy.

14. First of all, we are only now beginning to come out of the bottom of the sunspot cycle, during which long-distance communication opportunities on Novice/Tech-Plus HF segments are rare and brief. Secondly, we must assume that Tech-Plus licensees who learned the Morse code and passed an exam did so with the intent to use the privileges they earned as a result of their efforts.

15. Finally, while we are not aware of a survey conducted by the Commission to determine the operating habits of Technician Plus licensees, we conducted a survey in 1995 of newly-licensed amateurs and have statistical data on their operating interests and activities<sup>1</sup>. Among the respondents to this professionally-conducted survey, 86% held Technician or Technician-Plus licenses, and nearly two-thirds of the total said they planned to upgrade their licenses within the next two years, with the majority planning to seek a General Class or higher license. These statistics, in and of themselves, would suggest at least an interest in HF operating privileges (since the basic Technician license already grants all VHF/UHF operating privileges).

<sup>1</sup> Mail survey of 650 randomly-selected amateur licensees first licensed in 1994, conducted on behalf of CQ Communications, Inc., by Readex, Inc., of St. Paul, Minnesota, a nationally-recognized independent research company. There were 417 usable responses to the survey, providing a margin of error of +/-4.8% at the 95% confidence level.

16. We asked specifically about areas of operating interest and activity, and one of the choices was "HF DXing" (using HF bands to make contact with stations in other countries).

While this is only one aspect of amateur HF operations, it ranked equally in interest with VHF

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packet radio. And when asked about current on-air activities, one in five of the survey respondents indicated that they are "very or occasionally active" in HF DXing, again equal with the activity level reported for packet radio. Actually, the interest in HF DXing is greater, since three-quarters of the survey respondents had no HF operating privileges. Thus, the 20% overall activity rate must represent a significantly higher activity level among those respondents with HF operating privileges. Finally, one other response offered under each operating activity was "never tried but would like to." Among our total group, nearly half (44%) indicated an interest in trying HF DXing sometime in the future; and less than one in three responded "never tried it/no interest." This suggests to us that the HF operating privileges currently granted to Technician Plus licensees are indeed relevant and important.

17. In addition, we conduct a monthly reader survey in one of our magazines, *CQ VHF*. The majority of this magazine's readers hold Technician or Tech-Plus licenses. And while these surveys are by no means scientific, nor do they carry the statistical validity of our 1995 Readex survey described above, the results are generally accurate enough to gauge our readers' general attitudes and opinions. The November, 1998, reader survey specifically asked questions relating to the Commission's assertion that "(b)oth Technician and Technician Plus Class licensees predominantly use FM voice and digital packet technologies on the amateur VHF and UHF bands."

18. Preliminary results of this survey show that the majority of *CQ VHF* readers agree with the Commission's perception regarding Technician Class hams overall. However, when we asked if that statement applied to their own operating, the numbers told a very different story, as

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did the readers' reports of on-air activity and recent activity purchases. The breakdown of respondents by license class was: Technician -- 40%; Tech-Plus -- 30%; Higher class -- 30%. Asked to indicate whether they agree or disagree with the FCC's statement quoted above, 66% agreed and 34% disagreed. And the numbers remain consistent for those holding the basic Technician Class license (with no HF privileges) -- 77% say the statement accurately describes their operation. On the other hand, 67% of Tech Plus licensees say the statement does not accurately describe their own operation and 63% of higher-class licensees say the statement did not accurately describe their operation when they held a Tech or Tech-Plus license. This would suggest that HF privileges and operating modes are very important to those who choose to upgrade their licenses.

19. This conclusion is further borne out by responses to questions about on-air activity and recent equipment purchases. While 37% of the respondents say they are active only on VHF/UHF, 63% report at least some level of HF activity, with 20% active mostly on VHF/UHF with some HF; 26% splitting their time about evenly between HF and VHF/UHF; and 17% operating mostly HF, with some VHF/UHF. Finally, when asked to describe their most recent ham radio equipment purchase or purchases (responses may add up to more than 100%), the VHF/UHF FM handheld was the most popular, with 36% reporting a recent purchase. However, second place (30%) went to "HF+VHF or HF+VHF/UHF multimode" -- a radio that would be an extravagant purchase for someone whose sole interest is in FM voice and digital packet technologies on VHF and UHF. Next most popular was the VHF/UHF FM mobile radio, with 28%; followed by a tie for fourth place (15% each) between "VHF/UHF multimode (no HF)" and

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"HF multimode (no VHF or UHF)." Overall, while 64% of the respondents had recently purchased a VHF/UHF FM-only radio, 45% had purchased radios with single sideband (SSB) and Morse code (CW) capability on VHF (&/or HF and UHF); and 45% had purchased a radio with HF operating capability, either with or without VHF/UHF capability. This hardly suggests a group of amateurs (70% of whom hold Technician or Tech-Plus licenses) that is interested only in FM and packet operation on the amateur VHF and UHF bands. We believe that the Commission's basis for proposing the elimination of the Technician Plus license class is inaccurate and unsupported by objective data.

20. Furthermore, by proposing that current Technician Plus licensees be issued Technician class licenses upon renewal, the Commission creates a quandary: either it will take away HF privileges from Tech Plus licensees who do not upgrade within their current license term (the language of the *Notice* is unclear on this): or it will again create two groups of Technician Class licensees -- those with VHF and UHF privileges only and those with HF privileges as well. If the former, we strongly object to any plan which would remove from any licensee privileges already earned. If the latter, then the Commission is ignoring the reasons that it created the Technician Plus class in the first place.

21. After the code requirement for the Technician Class license was dropped in 1991, the Commission created "Technician Plus" as a separate license class in response to several concerns raised by the amateur community. First and foremost, the Tech Plus license was created to assure that all frequency operating privileges are granted on the basis of an FCC license, not a Certificate of Successful Completion of Examination (CSCE). The FCC has no statutory

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authority to delegate to VECs the granting of operating privileges, as would have been the result if the Tech Plus class was not established. Secondly, a separate Tech Plus license class within the FCC database provides a basis by which members of the Amateur Auxiliary, and even FCC inspectors, may determine whether a Technician Class licensee has earned HF operating privileges. If HF privileges are granted by CSCE only, then the FCC database will not indicate whether an individual has earned these additional operating privileges, and it would be virtually impossible to know if a Technician operating voice on 10 meters, for example, was authorized to do so.

22. CSCEs generally are valid only for one year, or until a newly-earned license is issued. If code credit earned by Technicians is going to be reflected only in a CSCE, the rules must specify that the CSCE in this case will be permanent; and must require the administering VEC to maintain records of all such CSCEs issued by its examiners, so that documents may be replaced if lost, stolen or destroyed. There was no such provision before the Tech Plus class was created, and the current NPRM does not provide it, either.

23. The NPRM does not acknowledge or give due consideration to the comprehensive restructuring proposal submitted by the ARRL on July 22, a week before the Commission acted on its NPRM. This proposal was presented in a form designed to be considered as input to the biennial review process, rather than a separate Petition for Rule Making.

24. The ARRL is the leading representative of amateur radio in the United States. And while it does not directly represent all amateurs, and is not the only nationwide amateur radio organization, it is the largest such organization, with over 170,000 members, and it has a well-

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established track record as the leading voice of amateur radio operators in the U.S. As such, its proposal is worthy of consideration and discussion. The ARRL proposal is comprehensive, well-reasoned and well-presented, the product of 30 months of discussions among the League's members and their elected representatives on the ARRL board of directors. While we do not feel it is the ideal plan for restructuring, it unquestionably ought to have been considered, or at least acknowledged, in the preparation of this NPRM.

25. The FCC NPRM is incomplete, inconsistent and contains many apparent errors. Since this is an NPRM and not a Notice of Inquiry, the reader must give equal, if not greater, weight to the actual rule changes proposed in the Appendix, as to the discussion in the main part of the *Notice*. The proposed changes, in many cases, do not match up with the discussion, even after the issuance of a 13-page *Errata* intended to "conform the proposed rules to the proposals discussed in the text of the *Notice*."

26. For example, no specific proposal is made in the discussion section regarding code speed requirements, with comments being sought; yet the Appendix calls for deleting the 5 wpm Element 1(A) exam, leaving only the 13 wpm Element 1(B) and 20 wpm Element 1(C); the discussion section requests comments on preventing abuses of the physician waiver process for higher-speed code exams for amateurs with disabilities applying for upgrades to General class or higher, but the Appendix makes no proposal at all, first eliminating the waiver provision altogether, then, in the *Errata*, restoring it in full; the discussion section requests comments on the disposition of the current HF Novice/Tech-Plus subbands, and suggests giving Novices CW privileges at reduced power across the entire 80, 40, 15 and 10-meter bands, but the Appendix

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makes no specific proposal. The lower 25 kHz of the 80, 40, and 15-meter bands currently are reserved for Extra-class licensees. Allowing Novices to operate here, even at reduced power, while banning access to General and Advanced Class licensees, will not be acceptable to the higher class licensees who would then have fewer privileges than Novices. The ARRL's proposal to "reform" Novice frequencies into additional phone subbands is the correct approach, as is its proposal to "grandfather" existing Novices into the General class, which will make moot the question of Novice privileges; finally, a very strict reading of proposed §97.301(e) would suggest that a Technician, upon passing a code exam, would lose all VHF frequency privileges except 222-225 and 1270-1295 MHz.

27. The proposed language for §97.505 (8) and (9) gives permanent element credit for Element 3(B) and Element 1(A) to holders of certain expired Technician class licenses, without regard to expiration of the grace period for renewal. No such consideration is given to the holder of any other class of license once the grace period has expired. While it may be desirable to reissue licenses without examination to former amateurs who wish to rejoin the service, the privilege should apply to all license classes for all relevant exam elements, and it should be openly discussed in the NPRM, rather than simply being hidden away in the "small print." In fact, we strongly support this concept and urge the Commission to grant appropriate element credit to the holder of any expired amateur license who wishes to reactivate that license and rejoin the Amateur Service.

28. Finally, the discussion section of the NPRM ends with the briefest mention of several petitions pending before Commission, each of which it says deals in some way with amateur

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licensing or operating privileges. The NPRM then makes the statement (Para 31) that "*All of the petitions ...concern licensing requirements, operator frequency privileges or seek a restructuring of the amateur license classes. The current operator frequency privileges, structure of the license classes and the requirements for obtaining an amateur license were developed in accordance with the expressed desires of the amateur community to provide motivation for amateur operators to advance their communication and technical skills. We do not believe that sufficient evidence has been presented to justify altering the current requirements which are in accordance with the basis and purpose of the Amateur Radio Service in the United States. Therefore, we will dismiss these repetitive petitions.*" If the Commission does not believe that sufficient evidence has been presented to justify altering the current requirements, then why it is issuing an NPRM to do exactly that? It seeks comment on restructuring amateur licensing requirements, but dismisses without comment Mr. Ruh's proposal (which we have seen and with which we agree in part)<sup>1</sup>, and ignores the ARRL's proposal. All relevant proposals should be considered in this Rule Making process.

29. In addition, Mr. Wheeler's petition regarding new standards for repeaters and coordination issues has nothing to do with licensing issues, should not have been lumped together with the licensing-related petitions, and should be considered separately, on its own

<sup>1</sup> Petition for Rule Making by Henry F. Ruh, filed October 29, 1996, no RM- number assigned. We agree with Mr. Ruh's basic contentions that a) it is too easy today to advance through the license classes solely through rote memorization and without demonstrating actual understanding of the concepts involved or gaining practical experience in their application; and b) that actual experience and achievement are better indicators of a licensee's "progress" than a written exam that may or may not be relevant to his/her experience and/or to the privileges sought. While we would differ with Mr. Ruh's proposals for implementation (see Section V., CQ's Proposal, in these Comments), his suggestions ought to be considered on their merits as part of this proceeding, and not summarily dismissed.

merits.

#### **IV. The ARRL's Proposal Will Not Fully Achieve These Goals**

30. The League's proposal is basically sound, and our main point of disagreement is that we feel it does not go far enough in simplifying the licensing structure and in reducing code speed requirements to more realistic levels. In addition, while the League's proposal will encourage more upgrading among currently-licensed amateurs, it will do little to encourage more non-amateurs, especially young people, to join the ranks of the amateur service. Finally, the League's proposal does not address the widely-held perception that many upgrading amateurs are more proficient at test-taking than at the skills and knowledge for which the license exams supposedly test.

#### **V. CQ's Proposal**

31. We would prefer to see only three classes of amateur license -- equivalent to the current Technician, General, and Extra Class licenses, with current Novice and Technician-Plus classes being combined into the new General class, and current Advanced class being combined into the new Amateur Extra class.

32. We would prefer to see a simplified code speed requirement with a meaningful reduction at the General/Advanced level. We would propose either a single 5-word-per-minute

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(wpm) code requirement for all HF licenses, or a 5-wpm requirement for General and 10 wpm for Advanced/Extra. We would also rename the examination elements appropriately, rather than having Element 1(B) without a 1(A), or Element 3(A) without an Element 2.

33. We also agree with Mr. Ruh's premise that upgrading amateurs need to demonstrate proficiency in proper operating practices as well as passing code and theory exams (which involve little more than memorization). In the past, amateur licensing rules required "time in grade" before being eligible to upgrade, and a minimum number of on-air hours during the final year of a license term as a condition of renewal. While we would not return to these specific requirements, we feel that some showing of operating and/or technical experience and expertise ought to be demonstrated as a condition for upgrading.

34. We propose an upgrading system that is similar to the Federal Aviation Administration (FAA) system for licensing pilots. This is a three-step process, including 1) ground study (from a book) and an FAA written exam; 2) a minimum of 20 hours of actual flying, with an instructor; and 3) a minimum of 20 hours of solo flying, followed by a final exam by an FAA-certified examiner. This sequence is repeated for each of the FAA's three levels of pilot certification, private, commercial and air transport.

35. In our proposal, the "ground study and written exam" -- essentially what we have today for all levels of license -- would qualify an applicant for the Technician class license. This license could be renewed indefinitely. Before being eligible to upgrade to General, however, an FCC-approved instructor would have to certify that the amateur has met certain "activity" requirements, which could include several choices from a "menu" of possibilities, from Morse

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code proficiency to contest operating to providing public service/emergency communication or building a piece of station equipment. After certification of eligibility, the candidate could then take an upgrade exam. Additional certifications would *not* be required for renewals. A General wanting to upgrade to Extra would have to be certified in additional -- higher-level -- activity areas, such as being a club officer, holding a leadership position in a national organization, having an article published in a ham radio magazine, installing and/or maintaining a repeater system or digital network, etc. Again, activity certification would be a prerequisite for upgrading.

36. Such a system would impose no additional administrative burden on the FCC, beyond adding a box to the license application form for the instructor's certification. The certified-instructor program could be easily folded into the existing -- and highly successful -- Volunteer Examiner program, with VECs agreeing on standards, requirements, etc., with only general FCC guidance, as they now do for VE certification and exam question preparation.

37. We would also propose a limited-privilege "Basic Amateur Permit" to encourage more schools and certain health-care facilities to make use of amateur radio in education and rehabilitation. This would help eliminate the common problem of school radio clubs operating under the supervision of one teacher who holds an amateur license, and which dissolve upon the transfer or retirement of that teacher when there is no other teacher on staff who holds an amateur license. The Basic Amateur Permit would be similar to the Restricted Radiotelephone Operator's Permit which the Commission currently issues, and which permits the holder to operate the transmitter of a broadcast (or other commercial) station under the *general supervision* of an engineer holding a General Radiotelephone Operators' License. The Basic Amateur Permit would

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allow a holder to operate an amateur station at the school or health-care facility at which he/she is employed, under the general supervision of a licensed amateur, in furtherance of the basis and purpose of the Amateur Radio Service.

38. The value of amateur radio in schools is manifold, affording students the opportunity to have hands-on experience with electronics and RF systems, and to increase their practical knowledge in such curriculum areas as physics, earth science, space science, mathematics, language arts, foreign languages and more. The value is just as great in a medical rehabilitation setting, the prime example of which is the Courage Center, a nationally-recognized rehabilitation facility in Minnesota. Amateur radio is an integral part of the rehabilitation program at Courage Center, providing a true "open door" to the world for hundreds of people with disabilities that otherwise limit their ability to make contact with other people beyond their immediate family and care workers. Courage Center has the only such program that we know of in the United States. Adopting the BAP proposal would open the door for other rehabilitation facilities to provide the same benefits for their patients through simple cooperation with the local amateur radio community, rather than through hiring a staff member who holds an amateur license.

39. Any staff member of a school or health facility (perhaps with approval of a designated administrator) would be eligible to take an exam for a Basic Amateur Permit, which would include the rules-and-regulations and operating procedures sections (topics 1 and 2) of the current Elements 2 and 3(A). No callsign would be issued. The school or health facility station would be licensed as a club station, with the supervising amateur being the trustee and being responsible for the proper technical operation of the station. However, as is the case in the

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broadcast industry, the licensed operator would not need to be present at all times when the station is on the air; and when the station is operated under the direct supervision of a Basic Amateur Permit holder, then that person (not the licensee) would be responsible for the content of transmissions made over the station.

40. Again, there would be no added administrative burden on the FCC. Since no callsigns would be assigned, a properly-completed Certificate of Successful Completion of Examination could serve as a permanent Permit, with records of permit-holders and responsible licensees being maintained by the VECs.

41. Finally, we propose that the Commission's proposal to revise §97.505 (a) (8) and (9) to grant permanent element credit to holders of certain expired Technician Class licenses (without regard for the grace period) be adopted and expanded to include holders of expired amateur licenses of any class. This will encourage former amateurs whose licenses have expired to apply for reactivation without having to retake examinations that they have already passed. A new license with a new callsign would be issued, but applicants wishing to regain their previous callsigns would be able to apply to do so through the vanity callsign system, if the callsign they want has not already been reassigned.

## **VI. Conclusion**

42. The amateur licensing structure is in need of simplification, along with a reduction in reliance on Morse code proficiency as a licensing requirement. Some additional proficiency

requirements in other areas will be required to compensate for reduced reliance on code proficiency.

43. A revised amateur licensing structure should promote upgrading and should encourage interested non-amateurs to join the amateur service. It should be perceived as a modern licensing structure which can take the service into the next century in "good health." A revised amateur licensing structure should place additional emphasis on operating and technical skills, perhaps with requirements beyond a written exam with an open question pool to demonstrate proficiency. A revised amateur licensing structure should take away no currently-held privileges from any current license-holder.

44. The FCC's plan, as outlined primarily in the Appendix to the NPRM, does not achieve these goals. In fact, in many ways, it will work against these goals by making upgrading more difficult, with greater reliance on Morse code required; and by taking away privileges from certain licensees who do not upgrade within their current license terms. Also, it gives no consideration to valid proposals already made by the ARRL and others, including Mr. Ruh.

45. The ARRL's proposal is a good starting point, but we would go further, reducing the number of license classes to three and reducing code speed requirements either to 5 and 10 wpm, or 5 wpm for all HF license classes.

46. We propose two additional changes: 1) experiential requirements as a condition of upgrading; and 2) addition of a Basic Amateur Permit to allow teachers and health care workers to operate amateur stations in schools and health care facilities under the general supervision of a licensed amateur, who would also be the station trustee.

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47. Finally, we encourage the Commission to expand to all holders of expired amateur licenses the appropriate element credit carried by those licenses should they wish to rejoin the amateur service (the NPRM currently proposes offering this privilege only to the holders of certain expired Technician Class licenses).

48. We feel that these changes will help streamline and modernize the amateur service, while making it easier for schools to take advantage of its unique educational capabilities and attempting to make sure that amateurs wishing to upgrade their licenses show evidence of activity and self-improvement (to quote the Rules) before being eligible to take an upgrade exam.

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Respectfully submitted,

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November 25, 1998