

In the Matter of

1998 Biennial Regulatory)
Review - Amendment of Part)
97 of the Commission's)
Amateur Service Rules)

WT Docket No. 98-143
RM-9148
RM-9150
RM-9196

REPLY COMMENTS OF

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I file these reply comments on January 1, 1999 in the FCC's WT Docket No. 98-143 concerning the 1998 Biennial Regulatory Review - Amendment of the Part 97 of the Commission's Amateur Service Rules.

SUMMARY:

Comments received under the reference NPRM indicate a clear direction the amateur community wants the amateur service to pursue. None of the comments submitted to the Commission in response to this NPRM provide any substantive reason why the Amateur Radio Service needs ANY code test at more than the minimum required to meet the ITU S25.5 requirement. The FCC is not in the business of preserving old technology, just for the sake of its preservation. Neither is morse cw required for emergency Amateur communications any longer as virtually ALL such communications take place in either a voice mode, or via digital text, usually packet radio transmissions. (In fact, most of the high-speed morse cw utilized today is generated and read by computer devices, not by hand or ear) No does the military or civilian emergency services monitor or utilize morse cw bands. The only reasons for requiring ANY kind of knowledge to be tested for an Amateur license, is to guarantee the public health,

welfare, and safety, especially as it applies to controlling RF interference, and for electrical and RF biological safety.

Therefore, I submit that the Commission should require ONLY a single morse cw test to be associated with ANY Amateur Radio class license. This test can be as slow as 1 wpm to satisfy the ITU requirement. However, this is not a usable practical speed. If the Commission feels it needs to maintain an existing standard, for ITU and CEPT compliance, then 5 wpm would be the logical choice. Also, with all cw tests at 5 wpm, there is no need for code waivers, and there is no longer any practical difference between the Advanced and Extra class license. Therefore, one could be eliminated; probably the Advanced class. This would leave the Amateur service with three classes of license; No-Code Technician, General, and Extra.

DISCUSSION:

The comments in the referenced docket fell into generally three categories: (1) Those that felt that three classes of license, with only a single 5 wpm code test were appropriate. Approximately 50% of the comments supported this proposal; (2) Those that wanted either three or four classes of licenses, with the top classes retaining a 12 or 13 wpm code test. Approximately 25% of the comments supported this format; and (3) Those that wanted NO changes to the status quo, or wanted to actually increase the code speed testing requirements for several classes of licenses. Approximately 25 percent of the comments supported this type of comment.

Although there were stray comments supporting other combinations

of code speed testing and number of license classes, they seemed random, with no basis for their proposal, and with no particular support from any segment of the amateur population. Therefore, these comments should be dismissed as non-supportable, and with minimal support.

The third category of commenters were totally non-responsive to the docket, and should be dismissed out of hand. The Commission has already stated that it believes the current license structure is too complicated, with too many licenses, and relies too heavily on morse cw testing. These comments for status quo, or increased code testing requirements, are totally out of step with the Commission's premises, and with the reality of the amateur service today.

The second class of comments either supports the American Radio Relay League (ARRL) plan for restructuring amateur licensing, or some minor variation thereof. The ARRL plan, for Technician through Extra class licenses, also calls for allowing "No-Code" Technician class operators to operate morse cw on the General cw subbands. Advanced and Extra licensees would still need to pass a 12 wpm high-speed code test. Although this plan has some merit, and the ARRL is to be commended for finally seeing the inevitable and accepting some degree of change, their plan is basically too little restructuring, with too many flaws. The ARRL 4-class, 5/12 wpm plan engenders the following serious flaws:

(1) It does not eliminate the need for code testing waivers. As discussed previously, the ham VE's have no business trying to

determine what is an applicable disability waiver. On the other hand, we know that there is some abuse of this system. The mere fact that waivers exist with the blessing of the Commission proves that high-speed cw testing is not a requirement for HF operation in either the "phone" or "cw" subbands.

(2) The ARRL plan rewards high speed cw testing (12 wpm) with additional "phone" subband privileges, but NO additional cw subband privileges at the Advanced Class level. This is a clear absurdity. Even the present system of advancement from General Class to Advanced Class does not engender such an absurdity. This also proves the point that there is still one license class too many in the ARRL plan. The Advanced Class should be combined with the Extra Class.

(3) The ARRL plan would allow codeless Technicians to operate on the HF General Class cw subbands. Their rationale for this approach is that it encourages codeless hams to learn code to upgrade. However, it also engenders the absurdity of proving that NO code knowledge is necessary to access HF code subbands. (Assuming the ARRL assumption is correct that ITU S25.5 is not being violated by this proposal) The ARRL approach is that operation on cw subbands is sufficient proof of knowledge of cw as to meet the S25.5 requirement. What they fail to note is that much cw is now sent and received by automated (computerized) means, and that no "sending by hand" or "receiving by ear" may be involved at all. If this meets the requirement of S25.5, then indeed, no cw testing is required to access ANY portion of the HF spectrum, since automated cw operation is possible by anyone.

(4) The ARRL plan does not propose to sunset morse cw testing when ITU S25.5 is repealed. This leads to the suspicion that there is a "hidden agenda" to throw a small bone, a 5 wpm General Class, to those opposed to continued code testing, while secretly trying to "lock-in" continued high speed cw testing for as long as possible, especially when one looks at the "codeless" cw proposal. Their agenda would appear to be to "encourage" more cw operation by future, younger hams, rather than eliminate it. Clearly, there is minimal support for this plan, when compared with those commenters that supported a single 5 wpm code test, to be sunseted when S25.5 is repealed. The amateur service does not need continued high-speed code testing for any rational reason. It is incompatible with the needs of the amateur service, and the technology available today. Those that CHOOSE to continue to use it WILL, either manually, or with computerized devices.

The roughly 50% of amateurs commenting supported a three tiered license system of (No-code) Technician, 5 wpm General, and 5 wpm Extra, along with a cw testing sunset clause. This plan, supported by No Code International (NCI), Bill Pasternak of Newsline (with minor variation), and a host of other individuals, resolves most of the problems regarding amateur licensing today. Specifically, it solves the problems of:

1. High-speed cw waivers
2. Too many license classes
3. Lack of Novice licensees
4. Future cw testing status

This plan, coupled with "refarming of the Novice/Tech+ cw subbands after two years, refarmed in the fashion proposed by the ARRL, will lead to significantly greater usage and

experimentation on HF by the amateur community.

Again, I suggest a two-year transition on phase-out of the Novice/Tech+ cw subbands, to allow these people to upgrade to a 5 wpm General class license. However, the Novice Class should retain credit for the 5 wpm to the end of their license term, and the Tech+ retain credit so long as they renew their (No code) Technician class. I also recommend that the Tech+ be allowed continued access to the 10 meter segment currently allowed; 28.1-28.5 MHz.

Only this plan for immediate reduction of cw testing to 5 wpm, and its eventual complete elimination, will take the amateur service into the 21st century, as a strong, growing service, ready to expand the technical art, and continue providing the traditional emergency/disaster communications it is so well known for.

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