

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Amendment of Part 97 of the Commission's )  
Amateur Radio Service Rules to Eliminate ) RM - 10786  
Morse Code Proficiency Testing Requirements )  
For All Classes of Amateur Licenses )  
 )  
To: The Commission )

Comments Of: Curtis L. Smith – N3KZL

Personally, the Morse proficiency test is the only reason that I have not progressed beyond the basic Technician license. In my estimation, the effort involved in learning an operating mode that I have no interest in ever using outweighs the benefit of obtaining a higher-level license. I have no doubt that if the Morse proficiency test is eliminated as outlined in RM-10786; I will immediately begin studying for the General Class written examination.

The *ONLY* reason that the Commission cited in its most recent comprehensive review of its Part 97 amateur rules (WT Docket No. 98-143) for keeping *any* Morse testing at the its decision in that Proceeding no longer exists.

The Commission concluded in WT Docket No. 98-143 that the public interest will best be served by reducing the (Morse) telegraphy examination requirement to the minimum requirement that meets the [ITU] Radio Regulations.

The “*minimum requirement that meets the ITU Radio Regulations*” for any class of amateur license is now no Morse test at all.

Since the Commission is no longer bound by an unwaiveable requirement in the ITU Radio Regulations it can, and should, act promptly to remove an unnecessary, restrictive requirement.

Other administrations (Switzerland, the United Kingdom, Belgium, Germany, The Netherlands, and Norway) have already eliminated Morse test requirements and many more are expected to follow suit rapidly.

It is not in the public interest for the Commission to impose more onerous and unnecessary burdens on those seeking a Commission-issued amateur radio license than would be faced by equally qualified individuals in other countries, as this will unnecessarily limit the pool of operators available for emergency communications.

The Commission's own determinations, as well as a significant body of public comment, from the Proceedings in both 1990 and 1999, as referenced in the NCI Petition, clearly demonstrate that a Morse proficiency test requirement is unnecessary and undesirable, in that:

It does not comport with the basis and purpose of the Amateur Radio Service.

It acts as a barrier to entry or advancement to otherwise qualified persons.

It is not necessarily indicative of an individual's ability to contribute to the advancement of the radio art.

It does not provide any indication of the examinee's good character, high intelligence, cooperative demeanor, or willingness to comply with the Commission's rules.

It no longer continues to serve a regulatory purpose.

It otherwise does not serve the public interest and necessity.

The Commission has the authority to amend its Part 97 rules to eliminate Morse proficiency requirements by expedited order, without formal notice and public input.

The Commission considered the issue of continued Morse proficiency requirements in WT Docket Number 98-143 where there was extensive input from the public and concerned parties, and to this date the only change from that consideration is that the only stated reason for retaining any Morse proficiency test has been removed.

By granting NCI's Petition, a burden on applicants for amateur radio licenses would be removed, no additional requirement would be imposed, and therefore no party or other person would be prejudiced by such Commission action.

The Commission should refrain from combining NCI's request for the prompt elimination of Morse test requirements from its rules with other substantially unrelated issues such as, but not limited to, band segmentation, changes in the number of license classes, sweeping changes in operator privileges by license class, etc., because that would result in unnecessary, protracted delay in resolving this important and clear-cut issue.

In summary, for all of the reasons outlined and referenced herein, the Commission should enact the following changes to its rules in the most expeditious manner possible:

Eliminate the "Element 1" Morse test totally from the Commission's rules for all license classes.

Since the only testing distinction between the Technician class and the (grandfathered) Technician Plus class is the "Element 1" Morse Test, modify, as a consequential and logical change, the privileges afforded to Technician class licensees to be equivalent to those currently afforded to Technician Plus licensees and "Technician with Morse credit" licensees.

Respectfully submitted,

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