

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)
)
Amendment to Part 97 of the Commission's)
Amateur Service Rules to Revise Examination) RM-10811
Requirements and Improve Testing Standards)
)

To: The Commission

COMMENTS OF W. J. J. HOGE

1. I hold an Amateur Extra class amateur radio license. My call sign is W3JJH. As an Extra class licensee, I have already passed an examination in Morse telegraphy and have the broadest operating privileges available. When it comes to my personal interest in the controversy concerning the telegraphy requirement, I don't have a dog in the fight. I am, however, deeply concerned for the continued health of the Amateur Radio Service. I view telegraphy testing as a needless barrier to future amateur operators.

2. I wish to express my opposition to the FIST CW CLUB's (FISTS) petition. While I believe that the Commission should eliminate Morse code telegraphy testing for amateur licensing, I believe that only the minimum possible rule changes should be made in the near term. This would be accomplished by eliminating Element 1 from the testing scheme and granting the same operating privileges to all Technician licensees as now permitted to Technician with code operators.

3. In particular, I wish to remind the Commission of its previous Report and Order in the matter of WT Docket 98-143. In it the Commission considered the proficiency requirement for Morse telegraphy and found "that such a license qualification rule is not in the furtherance of the amateur service" and that the Commission does "not believe that it continues to serve any regulatory purpose."¹

4. Furthermore, the Report & Order ("R&O") cited above states, "We have considered the comments on this issue and conclude that the public interest will best be served by reducing the telegraphy examination to the minimum requirement that we have found

¹ See the Report and Order, FCC 99-412, adopted Dec. 22, 1999, released Dec. 30, 1999, at 25.

meets the Radio Regulations ...”² As of 5 July, 2003, the ITU Radio Regulations no longer require telegraphy testing for amateur radio licensing.³ By its own reasoning, the Commission should amend its Rules to eliminate Morse code testing.

5. I agree with the reasoning put forth in the No Code International petition (RM-10786) stating the Commission is allowed by the Administrative Procedures Act⁴ and its own Rules⁵ to issue an amended rule in this instance without formal notice or public input. The facts and opinions concerning this topic were thoroughly aired during the inquiry relating to WT Docket 98-143. All of the arguments for the retention of telegraphy testing put forward by FIST were rejected in the Commission’s previous inquiry. That the present testing requirement is undesirable should now be considered a settled matter. Removing the requirement will not reduce the operating privileges of any licensee.

6. The Commission should review the present licensing structure and testing regime, but that review should be thorough. It should not delay the abolition of telegraphy testing. Therefore, I strongly urge the Commission to deny the request for changes in Part 97 of the Rules as described in the FISTS petition.

Respectfully submitted,

/s/

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Dated: 10 October, 2003

² R&O at 25.

³ ITU Radio Regulations, Art. 25, as modified by WRC-03.

⁴ 5 USC 553(b)(3)(B)

⁵ 47 CFR 1.412(e)