

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

In the Matter of)
)
Amendment of Part 97 of the Commission's)
Rules Governing the Amateur Radio Service to) **RM-10867**
Implement Changes to Article 25 of the)
International Radio Regulation Adopted at the)
2003 World Radiocommunication Conference)

Via the ECFS

**Reply to Comments Made by Gordon West on 8 April 2004 in Regards to RM-10867
by Leonard H. Anderson**

I wish to thank the Commission for providing a forum for commentary by all citizens. Please allow me to state that I am a retired electronics design engineer with no vested interest in any professional or amateur radio activity or educational institution nor with any of those who have commented on this petition or Rule Making. All of the following comments are those of a private citizen fortunate to experience a half century in the radio-electronics industry and military of the United States, that including radio communications..

Gordon West (GW) filed identical Comments on all four Petitions for Rule Making. Rather than file identical Replies in return, I shall address Mr. West's Comments per individual Petition. It should be noted that Mr. West, in operating an instructional business about Amateur Radio, must be considered as somewhat prejudiced on certain matters of each Petition, particularly in regards to the need for instructions on theory and regulations and operating skills. Many licensing requirements correspond to more classes for instructional businesses along with increased profit potential. Amateur Radio is defined in §97.1 (a) as a *noncommercial* activity.

A. Some Fallacies That Should Be Explained, But Are Not Done

1. The concept of *entry level license class* was originally applied to the Novice class. *Novice* in general refers to a *beginner*, one who knows little. The *entry level* label was applied to the no-code-test Technician class at a much later time, approximately at the time of the first *restructuring* and Order 99-412 of December 1999 by the ARRL in their publications. The reason for that is rather obvious in the on-going increase in license class numbers for that singular class now amounting to 38.9 percent of all United States Amateur Radio licensees. As of 6 April 2004, the number of no-code-test Technician class licensees was 282,948.¹ The number of Novice class licensees on that data is only 38,814. Novice class license numbers

¹ From www.hamdata.com taken from Commission database information at 1218 UTC, 6 April 2004.

have been dropping constantly since before the creation of the no-code-test Technician class in 1991.

2. The concept that all persons entering Amateur Radio for the first time are all beginners is false. The Commission's regulations do not require any tiered progression or beginning with a so-called *entry-level license*. Any citizen can enter Amateur Radio at any license class provided they pass the required test elements for that class. Amateur radios operate by the same laws of physics as do radios of all other radio services. Communicating by radio has been done in nearly all United States civil and government radio services.² Radio communications have been done by many entities in the United States since the creation of the Commission in 1934, 70 years ago. Citizens are aware that radio exists, is part of broadcasting, a regular tool of public safety agencies and services, and so forth.

3. Radiotelegraphy proficiency testing has been required for all United States Amateur Radio license examinations between 1912 and 1991, for all license classes except the no-code-test Technician after 1991 until today.³ While that is *traditional*, it is used only in Amateur Radio and Maritime Radio today for communications purposes. **All other radio services, government and military included, have either never considered telegraphy modes or have dropped its use for communications.** Maritime Radio now uses VHF voice communications along coastal and inland waterways, harbors, plus using SSB voice and data communications on the open oceans. There is **no national need** for any *pool of trained radiotelegraphers* other than in Amateur Radio.

4. The Commission has already stated in proceedings 90-53 and 98-143, plus Order 99-412 that it does not consider radiotelegraphy skills to be pertinent for its judgement about Amateur Radio license applicants on granting an Amateur Radio license, but was required to administer telegraphy tests by the ITU-R Radio Regulations then in effect. Since the 2003 changes in Radio Regulations now allow each administration to determine telegraphy proficiency testing on their own option, there is no longer any reason for the Commission to continue the telegraphy test. Already-tested and licensed Individuals' reasons for keeping a telegraphy test seem to be one of two: It is traditional and *has always been done*, therefore it must continue; They had to test for telegraphy proficiency, therefore all others who follow must also do that. Neither of those reasons are logical, only subjective.⁴

5. Radio operator licenses, in all radio services, are regulatory tools of the Commission and are grants to individuals for legal permission to operate transmitters according to pertinent regulations. They are not academic certificates of achievement nor *diplomas* of any kind. The Commission is not chartered to be an academic institution. It is to instructional businesses' advantage to keep the pretense that Amateur Radio licenses are the equivalent of *graduation certificates*.

² The Standard Time and Frequency broadcasts of the National Institute for Science and Technology use radio for such data dissemination but it is a moot point if it could be called *communicating*. Radionavigation and Position Location, such as by the GPS satellite transmission, is not exactly *communications*.

³ There were predecessor radio regulating agencies in the period 1912 to 1934, the first one having a singular Amateur license. Source: Thomas H. White's definitive Early History of Radio on the Internet, beginning at <http://earlyradiohistory.us/index.html>.

⁴ Those subjective reasons have become *Articles of Faith* spawning a great number of rationalizations on the alleged efficacy of radiotelegraphy in Amateur Radio.

B. Alleged Memorization Of Question Pools

6. Mr. West states, “*Our current Technician class entry-level examination is so large that many applicants are simply memorizing the test question pool to pass the test. We need a much more basic test for the entry-level license, and a 20-question (not 25) exam from a question pool of 200 Q&A’s [sic] would seem reasonable as long as the 200 question pool is carefully developed with plenty of outside comments to test the applicant on those skills they are most likely to encounter when beginning to go on the air.*”⁵ This is both illogical and confusing. If 500+ pool questions *can be memorized*, then it is logical to assume that 200 pool questions make for **easier** memorization.⁶

7. Aside from the fallacy that the no-code-test Technician class is an *entry-level* class, Mr. West fails to consider that the Petition of RM-10867 *does not call for any Technician class at all*. ARRL requests a three-class license structure with their concept of *New Novice class* as the so-called *entry-level* license. Should that Petition concept result in an Order, both the *entry-level* and intermediate examination question pools will require revision. The existing Technician class examination question pool will not exist as it does now for a future condition where the Technician is essentially merged with the General, or intermediary class license. For such a future condition, the Commission will have **new** regulations, including examination criteria.

C. Continuation Of Separatism Of Classes And Exclusion From The Mainstream

8. Mr. West states, “*I do not agree with giving the new no-code operator 100 kilohertz of voice privileges on 75 meters, 40 meters, and 15 meters. I would suggest 50 kilohertz only. On 10 meters, 28.300 to 28.500 is a good choice for the no-code newcomer.*”⁷ This is merely a continuation of the equal-but-separate *operations ghetto* begun with the creation of the original Novice class license. While it serves to satisfy the *existing higher classes’* wishes of not being bothered by newcomers’ beginner operations, such exclusionary practices were not universally popular with the Novice class licensees in the old license structure system. It should be noted that Mr. West considers anyone without a code test as a *newcomer*.⁸

⁵ GW at 1st page, 5th paragraph.

⁶ All learning begins with memorization. All license applicants are required to know the Commission’s regulations *in effect at the time of examination*. Regulations are not per se abstract concepts such as laws of physics. They are codified conditions of operating limits set by a regulating authority.

⁷ GW at 1st page, 6th paragraph.

⁸ In that sense, Mr. West would consider this commenter as a *newcomer*, having three years experience in HF communications on a 24-hour-a-day, 7-days-a-week military communications primary station beginning in 1953, then continuing an electronics engineering career from then, transmitting on far greater regions of the EM spectrum than is allocated to amateurs, all without ever once being required to take any telegraphy test in order to legally transmit. Except for Maritime Radio, no United States radio services nor communications services nor the military communications specialties require any telegraphy tests or knowledge. The original Novice class license numbers have been continually shrinking for over a decade, beginning before the creation of the no-code-test Technician class. The no-code-test Technician class numbers have grown from none 14 years ago to greater than one-third of **all** amateur licensees.

9. At present, as given in §97.301 (a) of the Commission's regulations, Novice and Technician class licensees with a radiotelegraph test have access to 50 KHz bandwidth in the 80 meter band, 50 KHz in 40 meters, 100 KHz in 15 meters, 400 KHz in 10 meters, 3 MHz bandwidth in the 1.23 meter band and 25 MHz in the 23 cm band. The suggestion of *no-code beginner* restriction on the amateur 10 meter band to 200 KHz bandwidth sounds reminiscent of the Citizens Band Radio Service channel allocation of 40 channels in the 27 MHz general region.⁹

D. Power Output Limitations Done On The Basis Of Equipment Manufacturers?

10. Mr. West states on power output limitations, "*We will need to study the comments from amateur radio VHF/UHF equipment manufacturers on what burden the 50-watt power output limitation might have on their mobile and base units that may exceed this level in the set high-power position.*"¹⁰ That is both illogical and in disregard of known regulatory requirements for human safety in regards to VHF/UHF electromagnetic field exposure as stated in §97.13 (c), plus the all-inclusive §97.313 (a).¹¹ Manufacturers of transmitting devices to have the ultimate consideration on **maximum** transmitter output power? Inconceivable.

E. Appreciation Of Telegraphy Engendered By Newcomers' Exposure To HF Amateur Bands?

11. Mr. West states, "*I see a major advantage for the new no-code-test operator gaining code practice on the lower portions of the 80-meter, 40-meter, 15-meter, and 10-meter bands.*"¹² Mr. West does not explain *why* that is, considering that those amateur sub-band allocations have been telegraphy and data for years. Further, the ARRL memorial station W1AW has had regular HF telegraphy practice transmissions for years and at different rates.¹³ Radio receiving licenses are not required in the United States. Anyone, citizen or not, may listen freely to any part of the HF spectrum. Both the Commission and the Volunteer Examiner Coordinators agree that **cognition**, that is receiving, ability is essential to telegraphy proficiency examination and that telegraphy sending may be waived.¹⁴

12. In the same paragraph, Mr. West states, "*I think we will see many newcomers attracted to the code if we give them CW privileges as recommended by the ARRL.*" Mr. West should review existing regulations as well as those of the recent past. Manual telegraphy mode has been allocated to **all** amateurs except Novice class on **all** allocated amateur bands above 50 MHz since the inception of the no-code-test Technician class license in 1991. There has been no reported groundswell of manual telegraphy mode

⁹ 200 KHz divided by voice bandwidths of 5 KHz each equals 40 channels. The parallel is quite obvious.

¹⁰ GW, 1st page, 7th paragraph.

¹¹ §97.313 (a) states, "*An amateur station must use the minimum transmitter power necessary to carry out the desired communications.* Note the **minimum**.

¹² GW, 1st page, 8th paragraph.

¹³ Current schedules are available at www.arrl.org.

¹⁴ §97.509 (g).

communications among that class now the largest class of all at greater than one-third of all licensees.

F. Force The Majority Of Amateurs To Be Disenfranchised By Demands Of The Elite

13. On the inclusion of Technician class license holders into the General class category as suggested by the ARRL Petition, Mr. West states, “*The Technician class applicant must study the requirements for HF General class operation, and our current General class question pool is in relatively good shape to cause them to study up before they earn their new privileges.*”¹⁵ There are several confusing issues by such a commandment. It should be obvious that, should the Commission Order to the ARRL Petition, it **will change** the examination requirements for new General class license applicants **and** that there will be **no** new Technician class at all. That fails to explain what the Commission should do with the 38.9 percent of existing no-code-test Technician class licensees. **Retesting** of 282,948 already-licensed Technicians is an unwarranted imposition as well as an unwarranted workload on the Volunteer Examiners. Mr. West would put over one-third of all amateur licensees in limbo in the future until they met demands of the present.

14. If Technician class licensees are kept separate, then the ARRL Petition can only be accommodated by a **four** class license structure, restoring the Novice class once again to an *entry-level* place. Four tiers of licenses are not preferred by anyone among the 18 Petitions for Rule Making submitted 2003 to 2004. Given the non-success of the former Novice class and the ARRL 2004 Petition being but a sop to beginners as was the case with the old Novice, there would not be the widespread appeal to it save for a lack of telegraphy test.

15. Given that Amateur Radio is a voluntary avocational activity and not a guild or union or business, the requirement of *no-coders* to have to **earn their privileges** seems invalid. *Earn their privileges* to what standard in the future? By present-day standards to be allegedly *as good* as the General class licensees? The *a priori* judgement on future worth is presumptuous and uncalled-for.

G. Changes in Amateur Extra Class Telegraphy Rate Qualification

16. Mr. West states, “*Keeping Extra class much like it is with a 5 wpm code test seems adequate, but since many Extra class operators may become volunteer examiners, I would think a code proficiency of 13 wpm would be much more appropriate.*”¹⁶ That is also flawed with the *a priori* judgement, this time presuming there **is** a telegraphy test retained in examination. As of 6 April 2004, the number of Amateur Extra class licensees were 107,343, or roughly five times the total number of 20,000 *claimed Volunteer Examiners* in the United States.¹⁷ Since the start of the so-called *restructuring* of mid-2000, the license numbers of Amateur Extra class have approximately doubled with the maximum telegraphy rate fixed at 5 words per minute equivalent. Mr. West’s suggestion will require a **retesting** of nearly 50,000 Amateur Extras just for the sake of a few already engaged in Volunteer Examiner activity. That is untenable and an unwarranted imposition on so many.

¹⁵ GW at page 2, paragraph 1.

¹⁶ GW at page 2, paragraph 2.

¹⁷ Values from the same www.hamdata.com website given in footnote 1.

Summary

Mr. West's Comments are considered generally flawed, reflecting one of very long tenure in an avocational, voluntary radio activity, most conservative, and in view of Mr. West's instructional radio business for a quarter century, of suspicious bias. I will urge the Commission to disregard Mr. West's Comments on the ARRL Petition. I would also urge the Commission to give due consideration to the Petition for Rule Making in RM-10870 as I would consider the *Volunteer Examiners*, unpaid as they are, to be far more objective on the future of United States Amateur Radio.

I thank the Commission for allowing an independent citizen's viewpoint to be heard and with the ability to share a half century's accumulation of experience and knowledge in radio and electronics at work and in hobby electronics activities plus informal observation of radio amateur activities since 1947.

Respectfully submitted this 10th day of April, 2004,

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