

COMMENTS ON PETITION FOR RULEMAKING RM-10870 PROPOSAL BY THE NATIONAL CONFERENCE OF VOLUNTEER EXAMINER COORDINATORS (NCVEC).

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1. Morse Testing Requirement

I agree with the proposal to eliminate Morse testing for all license classes. While there is a strong tradition of Morse operation within the Amateur Radio Service, and Morse testing serves purposes germane to the Amateur Radio community, the regulatory reasons for the Morse requirement no longer exist. I am not challenging its efficacy or popularity – just its regulatory necessity.

2. Licensing Restructuring.

The NCVEC proposes to create a new “Communicator” class entry level license. I agree in principle that a new entry level license is needed. However, I believe that the ARRL proposal for the “Novice” license within RM-10867 will be more beneficial and more in keeping with the basis and purpose of the amateur radio service. I also intensely dislike the name “Communicator”

The NCVEC, like the ARRL, proposes, as part of its convoluted restructuring plan, to automatically upgrade all existing Technician licensees to General class, without passing the element 3 examination otherwise required of that license, and regardless of skill and knowledge level. My comments here on that issue duplicate comments I filed under the ARRL RM-10867.

I believe that this automatic upgrading is clearly contrary to one of the purposes of the amateur radio service as stated in 97.1(c) *“Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communications and technical phases of the art.”*

Technicians who genuinely wish to have General privileges are free to study and pass the test and upgrade at any time as thousands of others have. If Technician class needs to be eliminated, then those who do not need or want General privileges, can just as well be downgraded to Novice after some nominal ‘grandfathering’ period – say 5 years.

3. Frequency Reallocations.

The NCVEC proposal includes dramatic changes to bandwidth allocations between RTTY/Data modes versus Phone/Image modes in the 80/75, 40 and 15 meter bands. The NVEC plan entails a significant shift of frequencies currently assigned to Data/RTTY modes, to create new Phone/Image mode allocations. I believe that removing Data/RTTY frequency allocations in favor of Phone/Image allocations will impede and discourage the efficient use of available spectrum by narrowband Data/RTTY modes in the future. Sacrificing future expansion of narrow-band modes in order to create routine phone bandwidth is contrary to 97.1(b), (c) and (d) of the basis and purpose of the amateur radio service. Routine phone operations do not advance the radio art, do not encourage or advance technical skills, and do not expand the reservoir of technical expertise.

On 80 meters the net reallocation is 75 kHz of spectrum from Data/RTTY to Phone/Image. This represents a loss of almost one third of the Data/RTTY allocations in this band! This will severely restrict the future growth of Data modes in this band.

On 40 meters, there is a proposed reallocation of 50 kHz for Data/RTTY to Phone/Image, again about one third of the available bandwidth for Data/RTTY modes. Furthermore, the WRC recently agreed to relocate broadcasters out of the 7.1 to 7.2 segment by 2009. This change alone will open up a lot of usable bandwidth for both Data and Phone modes within the existing allocations. Thus, the true long-term need for spectrum reallocation will not even be known until after the WRC change takes effect. No major changes to the 40 meter band should take place before 2009.

On 15 meters the NCVEC proposes a change of 50 kHz of Data/RTTY allocation to Phone/Image. The rationale for this proposed change is puzzling. The 15 meter band does not suffer the same crowded conditions as the lower bands, so the proposal clearly is arbitrary. I believe this proposed change merely would discourage the future expansion of narrow bandwidth Data modes, without providing any tangible benefit.

4. 50 Watt power limit on the 10 meter band

The NCVEC, like the ARRL, proposes a 50 Watt power limit for entry level licensees in the 10 meter band. My comments here duplicate comments already filed on the ARRL's RM-10867. The hope seems to be to provide 10 meter access to the entry level without them having to think about RF exposure, since 50 Watts is the "routine" evaluation threshold. I believe that it is a mistake to adopt this new rule. It creates an incorrect, rote, default assumption of RF safety based solely on the power level, and the real effect of this will almost certainly be to encourage entry level licensees to ignore RF exposure issues. There are other issues involved in RF exposure safety than merely the power level.

In a practical point of view, this proposed rule would be unenforceable. Virtually all commercial transceivers are capable of 100 Watts in the 10 meter band. To expect entry level licensees to voluntarily keep their power turned down 50% is probably unrealistic.

Furthermore, it is not at all clear how this rule would ever be enforced in practice. How would violations be detected? The difference between 50 Watts and 100 Watts is only 3 db, less than half an S-unit, and the effective radiated power depends on a number of other factors such as transmission line losses and antenna gain. Thus it will be impossible to determine by monitoring whether the licensee is operating with 50 Watts or 100 Watts.

There already are regulations in place dealing with RF exposure limits. It is important that some basic knowledge of these RF exposure limits be required of entry-level licensees if they are to have privileges where those limits could be exceeded. However, if there truly is a concern that entry-level licensees should be protected from RF exposure in the 10 meter band, without requiring them to know anything about RF exposure, then the obvious solution is to not grant 10 meter privileges to the entry level. At least this could be enforced and violations detected by monitoring.

5. Requirement for entry-level licensees to use commercial equipment or commercial kits.

This proposed requirement appears to be designed to avoid another fundamental tenet of the Amateur Radio Service – understanding of and control of spurious emissions. This rule if adopted, obviously would be unenforceable and duplicitous. If no spurious emissions occur, then there is no way to determine by monitoring whether the equipment is commercial or not. On the other hand, if spurious emissions do occur, then there are already rules in place to deal with that directly.

As a practical matter, an improperly adjusted or improperly maintained commercial transmitter or commercial kit will emit spurious, out of band, or distorted signals, too. This is in fact too common of a problem with some users of the new sound-card digital modes. Even improperly adjusted microphone gain with basic phone operation using modern commercial equipment causes "splatter".

Spurious emissions occur because of a lack of operator knowledge and skill, not solely because of who built the equipment. I thus disagree with the NCVEC proposal that rote, and unenforceable, regulatory requirement should substitute for appropriate technical knowledge and skill, and I oppose the proposed commercial equipment requirement.

6. Summary Comments

An underlying premise for much of the NCVEC restructuring proposal seems to be that the numbers of licensed amateurs must be increased dramatically and immediately, and that the way to do this is to reduce the licensing qualifications. Pumping up the sheers numbers of amateurs, and promoting tens of thousands of them to higher license class without testing, may serve ulterior purposes of certain member organizations of the NCVEC but it is not clear that it serves the public interest or enhances the quality of the amateur radio service. The burden for proving that increasing the numbers and decreasing the qualifications serves the public interest rests with the proponents of these changes. Furthermore, it is not clear whether it is desirable for this sort of manipulation of the numbers of amateur licensees to be accomplished solely through FCC regulation.

The long-term consequences of these dramatic changes need to be well thought out, to ensure that these manipulations of the licensee numbers are not spurious overreactions to transient problems resulting from the restructuring a few years ago.