

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

In the Matter of)	
)	
Various Petitions for Rulemaking Seeking)	RM-10867
Changes to the Commission's Part 97)	RM-10868
Amateur Radio Service Rules)	RM-10869
)	RM-10870
To: The Commission)	

Via the ECFS

**COMMENTS OF NO CODE INTERNATIONAL IN RESPONSE TO THE PETITIONS
FOR RULEMAKING IN RM-10867, RM-10868, RM-10869 AND RM-10870**

No Code International (“NCI”) respectfully submits its comments on the Petitions for Rulemaking in the above-captioned Proceedings.

While NCI is an international organization, with thousands of members in 63 countries and active national chapters in 12 countries, including the U S., a significant majority (74%) of NCI's current members are U.S licensed amateurs.

NCI is an interested party in these proceedings.

INTRODUCTION

1. NCI was an active participant in WT Docket No. 98-143, wherein the Commission reduced the Morse code proficiency test requirement to the 5 wpm minimum that it believed would be compliant with unwaivable obligations for Morse testing under the ITU Radio Regulations in effect at the time.
2. Shortly after WRC-03 eliminated the Morse code test requirement from S25.5 of the ITU Radio Regulations, NCI filed a Petition for Rulemaking with the Commission, seeking the immediate elimination of all Morse test requirements from the Commission's Part 97 rules governing the Amateur Radio Service ("ARS"). NCI's petition was designated RM-10786 and is still pending before the Commission, along with a number of other petitions¹, concerning changes to the U.S. Amateur Service rules as now permitted by the amendments to Article 25 (WRC-03) of the ITU Radio Regulations which took effect July 5, 2003.
3. In these comments, NCI will briefly address each of the current petitions in turn.

THE ARRL PETITION (RM-10867)

4. The American Radio Relay League ("ARRL") filed a Petition for Rulemaking (designated RM-10867 by the Commission), seeking sweeping – and progressive – changes to the Commission's Part 97 ARS rules, including:
 - the creation of a new entry level license class with meaningful and attractive privileges designed to make the ARS more attractive to newcomers and reduce the number of "dropouts" resulting from the extremely limited privileges of the current de facto entry class license;
 - a consolidation of the license structure to eliminate "orphaned" license classes
 - some rearranging of the frequency privileges granted to its proposed remaining three license classes;
 - and the elimination of a Morse test requirement for the General class license.
5. ARRL, did, however, propose to keep the existing 5 wpm Morse test requirement for the Extra class license.

¹ RM-10781, RM-10782, RM-10783, RM-10784, RM-10785, RM-10786, RM-10787, RM-10805, RM-10806, RM-10807, RM-10808, RM-10809, RM-10810, RM-10811, RM-10867, RM-10868, RM-10869, and RM-10870

6. NCI opposes the ARRL petition's proposal to keep the existing 5 wpm Morse test requirement for the Extra class license.

7. In NCI's earlier-filed petition, RM-10786, we believe that we have made compelling arguments for the complete elimination of ALL Morse test requirements for all classes of ARS license issued by the Commission – arguments that are based in large part on the Commission's own previous determinations that Morse test requirements serve no legitimate regulatory purpose, do not comport with the basis and purpose of the ARS, and are, therefore, not in the public interest.

8. However, within the remainder of the ARRL petition, we find other proposals that we believe have much merit and which we wish to support.

9. In fact, in order to determine the views and wishes of NCI's members we conducted a controlled survey of a randomly selected, statistically significant sample of our US membership, using the secure facilities of a web-based service called surveymonkey.com. The results of this survey indicated that on those other, non-Morse-related issues, our members overwhelmingly indicated their support for the ARRL's proposals and that they wanted NCI to file comments with the Commission in support thereof.

10. The results of this survey are summarized as follows:

- 82.3% wanted NCI to take a position on the non-Morse-related aspects of the ARRL petition, despite the fact that NCI's "main issue" is the elimination of Morse testing;
- 72.3% support the creation of a new Novice license with expanded HF privileges;
- 82.8% support the reduction of the total number of license classes to 3 (Novice, General and Extra);
- 87.5% support the proposed one-time automatic upgrade of Technician to General proposed by the ARRL;
- 82.8% support the proposed one-time automatic upgrade of Advanced to Extra proposed by the ARRL;
- and 68.0% support the ARRL's proposed realignment of frequency privileges for its proposed new 3 license class structure.

11. As a result of the overwhelming support of our membership for the ARRL petition, the Board of Directors of NCI believes that we have a mandate from our members to voice our support for the majority of the proposals made by ARRL in its petition – with the caveat that we oppose one of the proposals made by the ARRL – the retention of a 5 wpm Morse test requirement for the Extra class license.

THE NCVEC PETITION (RM-10870)

12. After NCI had surveyed its membership on their views on the ARRL petition, the NCVEC filed its own Petition for Rulemaking, (designated RM-10870) by the Commission), which, while substantially similar to the ARRL petition in many respects, has several notable differences:

- The NCVEC petition mandates “commercial only” transmitters for the new beginner class.
- The NCVEC petition mandates only low voltage (under 30 volts) powered transmitters for the new beginner class.
- The NCVEC petition suggests a unique call sign identification for the beginner class.
- NCVEC recommends that all applicants for an Amateur license be required to certify that they have read and understand the FCC (Part 97) rules as part of the application process.
- The NCVEC petition proposes expanding HF voice spectrum 1025 kHz (1.025 MHz) more than the ARRL petition and, conversely, reduces exclusive CW/Data HF spectrum by the same amount.

13. In the interest of fairness to the NCVEC petition, NCI undertook to conduct another survey of our membership to determine their views on the differences between the NCVEC petition and the ARRL petition.

14. Because the responses to the questions on the differences between the NCVEC and ARRL petitions were, in general, less of a “landslide,” they will be presented in somewhat more detail in Table 1 on the following page to give the Commission better visibility into the responses and the degree to which they were more diverse.

Table 1

The results of NCI's survey of its US membership on the NCVEC petition's differences from the ARRL petition.²

The NCVEC petition mandates “commercial only” transmitters for the new beginner class. What is your opinion on this point?

No opinion 18.00%	Support NCVEC 31.70%	Oppose NCVEC 38.50%	Do not comment 11.80%
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The NCVEC petition mandates only low voltage (under 30 volts) powered transmitters for the new beginner class. What is your opinion on this point?

No opinion 17.10%	Support NCVEC 29.10%	Oppose NCVEC 41.70%	Do not comment 12.10%
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The NCVEC petition suggests a unique call sign identification for the beginner class. What is your opinion on this point?

No opinion 15.00%	Support NCVEC 45.80%	Oppose NCVEC 30.20%	Do not comment 9.00%
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NCVEC recommends that all applicants for an Amateur license be required to certify that they have read and understand the FCC (Part 97) rules as part of the application process. What is your opinion on this point?

No opinion 8.30%	Support NCVEC 77.70%	Oppose NCVEC 5.20%	Do not comment 8.80%
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The NCVEC petition proposes expanding HF voice spectrum 1025kHz (1.025MHz) more than the ARRL petition and, conversely, reduces exclusive CW/Data HF spectrum by the same amount. What is your opinion on this difference?

No opinion 9.30%	Support NCVEC 58.20%	Oppose NCVEC 25.40%	Do not comment 7.10%
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² In Table 1 above, the “Do not comment” field indicates members whose response indicated they thought that NCI should remain silent on the issue, as opposed to “No Opinion,” which, of course means “I don’t have a strong view one way or the other on this issue.”

**THE RADIO AMATEUR FOUNDATION PETITION (RM-10868) AND THE PETITION
OF RONALD D. LOWRANCE (RM-10869)**

15. The Petitions for Rulemaking filed by the “Radio Amateur Foundation” (RM-10868) (“the RAF petition”) and Ronald D. Lowrance (RM-10869) (“the Lowrance petition”), unlike the ARRL petition and the NCVEC petition, seem devoid of any truly progressive and beneficial proposals for restructuring of the Commission’s Part 97 ARS rules.

16. In fact, their major thrusts seem to be to either substantially maintain the status quo – or worse, to attempt to revise history and roll the calendar backwards – in ways that would clearly not serve the public interest or be in the best interest of the future of the ARS, and should therefore be rejected.

SUMMARY AND CONCLUSIONS

17. The NCI Board of Directors, through its surveys of its membership, received what could reasonably be characterized as a clear mandate from an overwhelming percentage of our membership to support the ARRL petition, *with the exception of its proposal to retain a 5 wpm Morse exam requirement for the Extra class license, which we vigorously oppose.*

18. The NCVEC petition proposes to eliminate all Morse testing for all license classes, and for that more progressive proposal on this matter we commend the NCVEC.

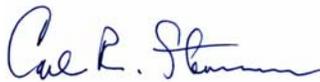
19. However, on the other, non-Morse-related aspects of the NCVEC petition, our membership's views are more mixed – in some cases favoring the difference in the NCVEC petition and in some cases opposing the difference. In several instances, the balance between the four possible responses is far less overwhelming in one direction or another – to the point that the NCI Board is reluctant to take a firm position one way or the other at this moment.^{3,4}

20. Thus, we prefer to simply present the data and leave it to the Commission to consider our members' views on the NCVEC petition's differences from the ARRL petition in its formulation of an NPRM based on the many outstanding petitions before the Commission.

21. We oppose both the RAF and Lowrance petitions and believe that they should be summarily denied as regressive, rather than progressive.

22. We sincerely hope that a truly comprehensive NPRM will be expeditiously forthcoming from the Commission that will provide an opportunity for further comment on these differences and that the Commission will act swiftly to eliminate unnecessary Morse testing requirements from its Part 97 ARS rules, undertake to create a new entry class of license with meaningful frequency privileges in the HF bands, and eliminate “orphaned” license classes from its books by means of the one-time automatic upgrades of existing Technician and Advanced licensees as proposed by both the ARRL and the NCVEC petitions.

Respectfully submitted,



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³ Even within the NCI Board of Directors itself, there are some diverse differences of personal views on the differences between the NCVEC and ARRL petitions – with the sole exception of the Morse test issue.

⁴ Additionally, the response rate on our survey on the differences between the NCVEC and ARRL proposals was only about ½ as large as the response rate on the ARRL proposal, leaving us with an additional uncertainty factor.