

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

<b>In the Matter of</b>	)	
	)	
<b>Amendment of Part 97 of the Commission's</b>	)	
<b>Rules Governing the Amateur Radio Service to</b>	)	<b>RM-10867</b>
<b>Implement Changes to Article 25 of the</b>	)	
<b>International Radio Regulation Adopted at the</b>	)	<b>RM-10870</b>
<b>2003 World Radiocommunication Conference</b>	)	
	)	

**Via the ECFS**

**Reply to Comments of Hans Brakob Made on 26 April 2004**

**by Leonard H. Anderson**

Mr. Brakob's Brief Comment seems to be that of the long-tenured radio amateur intent on preserving the *status quo* at all costs. While Mr. Brakob's Comment was made specifically in regards to RM-10867, it applies also to RM-10870 in regards to the alleged *one-day sale* or the class upgrade from Technician to General.<sup>1</sup>

Please allow me to state that I am a retired electronics design engineer with no vested interest in any professional or amateur radio activity nor any educational institution nor with any of those who have commented on these Petitions for 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.

**A. Telegraphy Examination Must Be Required For Amateur Extra License Class**

1. Mr. Brakob's 2<sup>nd</sup> paragraph states, "*I do not support a Morse exam [manual telegraphy test element] for any license class, but, if there must be a Morse examination to qualify for the Amateur Extra license then the test should be of some consequence, perhaps 20WPM, as befits the name 'Extra'. Five-WPM does not test competency, it only establishes that the applicant is familiar with the content of the Morse code.*" Mr. Brakob makes no claim on why an Amateur Extra must hew to old standards, implying only that, perhaps, he and other pre-Restructuring Amateur Extras had to pass a 20 word per minute equivalent manual telegraphy rate.

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<sup>1</sup> Brakob Comment, 5<sup>th</sup> paragraph, for phrase in italics.

2. RM-10870, proposed by the National Council of Volunteer Examiner Coordinators (NCVEC), proposes an **end to all manual telegraphy tests** for **any** United States Amateur Radio license. A check of those involved in the RM-10870 indicates they are also Amateur Extra class licensees, all presumed to have been required to test for manual telegraphy at a 20 word per minute rate for their Amateur Radio licenses.

3. That a 20 word per minute equivalent rate for manual telegraphy testing was **once** a requirement is no validity for that to continue into the future. All United States Amateur Radio licenses requiring a manual telegraphy test were set to 5 words per minute by Order 99-412 beginning in mid-2000. For three years there has been only a distinct **minority of comment** to the Commission about this alleged *inconsequential rate*.

4. Mr. Brakob does not quite understand that test element 4, containing 50 questions, the largest of all three written test elements, distinguishes the Amateur Extra from all other classes. Test element 1, the manual telegraphy test, is required equally for the General class and the Technician and Technician Plus for special HF operation credit. Test element 1 is 5 words per minute equivalent, the same rate for all classes.

## **B. Alleged Mockery Of The Licensing Process From Automatic Upgrades**

5. Mr. Brakob's third paragraph states, "*Granting instant upgrades from Technician to General for almost a third-of-a-million licensees makes a mockery of the qualification system.*" Both RM-10867 and RM-10870 propose automatic upgrades of Technician to General **and** Advanced to Extra in order to streamline the regulations and simplify the databases.

6. The tabulation on the following page represents Amateur Radio class totals in the United States as of 1 December 1997 and 26 April 2004. The 1997 figures were obtained from NPRM 98-183 which was ET Docket 98-143 during the Amateur Radio *Restructuring* comment period from 1998 to January 15, 1999.<sup>2</sup> The 2004 figures were taken from [www.hamdata.com](http://www.hamdata.com) as of 1210 UTC on 26 April, 2004. Percentages in parenthesis indicate that part of each period's total individual licenses.

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<sup>2</sup> Specifically, footnote 13 on page 4 of NPRM 98-183. The first acknowledgment that the no-code-test Technician class represented a de facto *entry level* class is found in paragraph 12 of 98-183, "*We believe that the no-code-test Technician class operator license has replaced the Novice operator license as the entry-level license class of choice.*" NPRM 98-183 was adopted 29 July, 1998, and released 10 August 1998.

<u>Class</u>	<u>1997</u>		<u>2004</u>	
Technician	179,226	(24.9 %)	283,367	(39.0 %)
Technician Plus	147,559	(20.5 %)	66,689	( 9.1 %)
Novice	79,965	(11.1 %)	38,613	( 5.3 %)
General	124,415	(17.3 %)	146,198	(20.1 %)
Advanced	112,482	(15.6 %)	84,403	(11.6 %)
Amateur Extra	75,694	(10.5 %)	107,478	(14.8 %)
Total, Individual	719,341	(99.9 %)*	726,748	(99.9 %)*

\* cumulative round-off errors result in 99.9% instead of 100.0%

Several significant facts are evident in those two sets of figures, separated by only about 6 ½ years and embracing the *Restructuring* Order of 99-412 that went into effect in 2000. First, the increase in total individual licenses is only 7,407 or about +1.03%. Secondly, the increase in the no-code-test Technician class licensees was 104,141. Thirdly, as a group, the *code-tested* classes (Technician Plus through Amateur Extra, 5 classes) **decreased** by 96,734. The interpretation could be made that, had it not been for the Technician class, total Amateur Radio license numbers could have dropped significantly in that time period.<sup>3</sup>

7. It should be noted that there is hardly any exceptions taken to either Petition in regards to *automatic free upgrading* of the existing Advanced class to Amateur Extra class. The only dispute seems to come from the long-tenured amateurs' opinion of the no-code-test Technician class, now the undisputed majority class in United States Amateur Radio. What is good for one class, all of which were code-tested, is *absolutely wrong* for the no-code-test Technician class. The obvious inference there is that the long-tenured amateurs insist on a manual telegraphy test for all amateurs.

8. The combined Advanced-plus-Amateur-Extra class totalled 188,176 in 1997, and 191,881 in 2004, a difference of only 3,785. By appearances of numbers, it would seem that Advanced classes had upgraded to Amateur Extra in the approximately 6 ½ year period.

9. A compromise condition could be reached by a final disposition of **retaining the no-code-test Technician class as a fourth license class** with the remaining three classes being the *entry-level*, General, and Extra. It would be assumed that the *free upgrade* of Advanced to Extra meets with general approval. That satisfies the hide-bound long-tenured's need to *keep Technicians in the no-code-test ghetto*.<sup>4</sup>

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<sup>3</sup> That is rather opposite to the claims of James P. Miccolis' Comments to RM-10867 and RM-10870 made on 23 April 2004.

<sup>4</sup> Judging from the suppressed outrage of long-tenured amateurs on the so-called *free upgrade*, one is tempted to add "*where they belong!*" but that is unkind and shouldn't be said. Nonetheless, it is quite evident that class distinction is alive and firmly entrenched in United States Amateur Radio.

10. Resolution of the number of classes requires a disposition of the left-over category of Technician Plus. Those license class holders were manual telegraphy tested and thus should be eligible for HF access. If those 66,689 are *downgraded* to Technician, that classes' totals would amount to 350,056 or 48.2 percent of all licensees. That edges this combined Technician class very close to a majority. Given the continuing growth pattern, that combined class would become a majority in very few years.

11. If Technician Plus licensees are *automatically upgraded* to General, the combined category would have 212,887 or 29.3 percent of all licensees. Considering that Technician Plus class licensees are already credited with a manual telegraphy test completion status, there should be little dispute over their enjoying that so-called *free* upgrade. Technician Plus class is currently 66,689 or 9.1 percent of all licensees, not quite twice the number of remaining Novice class licensees.

12. From the enmity expressed by many of the long-tenured amateurs, trying to lump the three so-called *lower* classes (Technician, Technician Plus, and Novice) into a single *entry-level* class is not a good thing for Amateur Radio. The combined numbers, based on 26 April 2004 statistics, would put that total at 388,669 or 53.5 percent of all licenses. That **is** a majority. While that general age and experience group is not as outrageously outspoken as the class-conscious long-tenured amateurs, the long-term action might be to simply stop renewing.<sup>5</sup> With the continuing attrition of the long-tenured amateurs in the *upper* three classes, there would be a negative growth of Amateur Radio in the United States.

### C. Future License Requirements Are Predicated On OLD Standards?

13. Mr. Brakob continues in his 5<sup>th</sup> paragraph, "*The ARRL petition [RM-10867 and the NCVETC petition RM-10870] would essentially grant a one-time waiver of the second (harder) of the examinations, in effect holding a one-day sale of 'half-price' General licenses to those 330,000 licensees. This is not some trivial 'one-time adjustment' — in fact, the vast majority of the General licensees would never have successfully passed the test required for that license class!*" The last sentence of that paragraph is confusing and not explained fully.

14. What the regulations say in the future are not necessarily based on **past** requirements nor must they be taken literally from current regulations. The creation of a new *entry-level* license and elimination of three existing, but no longer granted, license classes requires a major adjustment of **all** requirements. There are only four possible courses of action: 1. *Downgrading* previous classes, which would be unfair to the majority; 2. *Upgrading* previous classes, which seems unfair only to those of so-called *higher* classes who will not be directly affected as to privileges; 3. No change in classes and having four license classes; 4. A combination of the previous three, at best a patch-work effort which does not streamline regulations.

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<sup>5</sup> There could also be the reverse, an outrage of those *lower-class* amateurs, now in the majority, who might vent their anger on the Commission as well as the long-tenured, class-conscious, self-styled *elite*.

15. In Mr. Brakob's 6<sup>th</sup> paragraph he states, "*In the world of 'unintended consequences' the effect of this give-away would be that the commission would have ipso-facto established that today's technician examination is perfectly adequate for a General class license, and the credibility of the qualification structure in the Amateur Radio Service would be destroyed (especially since these 'new' Generals would presumably now receive credit for the 'General' written element when they proceed to upgrade to Extra.*" Mr. Brakob insists on basing **all future qualifications** on the **past**. He should either realize that future qualifications are based on future regulations. They aren't based on his particular concept of Amateur Radio as he knows it from his personal experience. Amateur Radio has existed since 1912 and has had many changes and as many *qualifications*, yet has managed to survive for 92 years.

16. The **same** effect of such *unintended consequences* would be a continuing disenfranchising of the so-called *lesser* classes and a strengthening of the class distinction concept that seems to be needed solely by the so-called *higher* classes. A beginning to a newer, more cohesive, more fraternal Amateur Radio in the United States was begun with the restructuring of 2000.

#### **D. Emotionalism Is Neither A Positive Attribute Nor A Solution**

17. Mr. Brakob's final sentence states, "*In summary, the free upgrade idea should not be tossed aside lightly, it should be hurled aside with great force.*" While this is quaint, colorful, and very emotional phrasing, it is out of place in regards to commenting on regulations.<sup>6</sup> This so-called *summary* is little more than a demand to **do nothing**. Doing nothing is an option. That will preserve what emotional sustenance still exists to nourish the class-consciousness of the so-called *higher* class licensees. Such does absolutely nothing for a far greater number of citizens of the rest of the United States.

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I consider Mr. Brakob's Comment inappropriate as well as misdirected. Unfortunately for them, the so-called *higher* amateur classes do not rule for they are not royalty and United States Amateur Radio is a voluntary, non-commercial activity engaged in for recreation, for personal enjoyment. Amateur Radio is not an avocation that must be preserved for the sake of prestige for a minority. It should exist on its own merit and continue doing so. The Commission should continue with making **options** available to more and more citizens. **Option is not a failure.**

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<sup>6</sup> It is reminiscent of the motion picture *Network*. However, this is real life involving government, not a fictional motion picture.

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 hobbyist activities.

Respectfully submitted this 28<sup>th</sup> day of April, 2004,

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