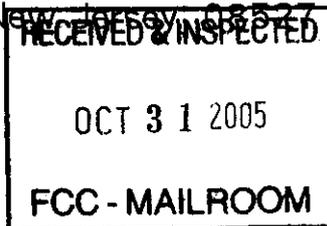


October 27, 2005
22 Bittersweet Drive
Jackson, New Jersey, 08527



Federal Communications Commission
445 12th Street, South West, Room TW-A325
Washington, D.C. 20554

Regarding: F.C.C. 05-143, **Wireless Telecommunications, Docket
Number 05-235.**

(*Morse code proficiency elimination for Amateur Radio Service.*)

Dear Mr. Cross & Commissioners:

The *Morse code* proficiency requirement must be retained to insure the continued quality-pool of *Amateur Radio Operators*. Since 2000, the F.C.C. has greatly compromised the traditional-level of *communications-art* competency. Further degradation of *Morse code* requirements will guarantee widespread failure throughout the *Amateur Radio Service*. In turn, public health & welfare will be jeopardized. Finally, with *Morse code* abolition, the most brilliant & competent individuals will be discouraged from investing their mindshare & financial resources into the *Amateur Radio Service* (due to the overwhelming affront from mediocrity-laden colleagues.)

(Rationale: Reference 12 Items listed below.)

1. **PROVEN PUBLIC SAFETY:** C.W. (Continuous Wave) *Morse code* delivered reliable communications during the hurricane-crisis this week. *Marco Island, Florida* suffered cellular phone & general loss of public-safety emergency communications. *C.W. Operators* served 6 million people suffering without home-electricity. I witnessed the power of C.W. effortlessly bridge both rescuers & loved-ones using 12 Volt car batteries. By contrast, *Voice-Modes* in that setting failed miserably. Prior to this, I witnessed the same C.W. *saving grace* after the killer-flood in *Johnstown, Pennsylvania*. Based upon my first-hand observation, I implore you to weigh my comments favorably.

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2. **HISTORICAL WITNESS:** (Regarding C.W.) I am unaware of any time in history where lowered-standards of a technical-discipline resulted in expanded service to humanity. As such, I propose that the F.C.C. publish all historical accounts to statistically support their claim that lowered-standards (such as C.W. abolition) routinely benefit mankind. If provable, a further scientific study must be conducted to correlate the validity of that outcome with respect to the *Amateur Radio Service*. Any less attention to detail is a dereliction of duty in protecting & serving the citizens of the *United States*. *Compiled proof* that either supports or counters my contention must be published in the *Federal Register*.

3. **UNIQUE HARMONIZATION:** Amateur Radio C.W. is unique and cannot be fairly compared with other *fair-weather digital modes* such as, but not limited to satellites. *Maritime & Military* precedents are also non-applicable. Unlike C.W., those complex modes are *infrastructure-dependent*. By contrast, C.W. yields the greatest independent range, with the least power, while simultaneously occupying the smallest bandwidth. Inherent within the fundamental design of C.W. radios is the further distinction of *positive-reliability*. Bottom line: *Amateur Radio C.W.* is intrinsically the only point-to-point fail-safe communications medium on planet *Earth*. Only an irresponsible entity would suggest compromising the stability of that established fact.

4. **DIVERGENT FOCUS CRISIS:** One certain way to destroy an established culture (C.W.) is to force conflicting-values upon that organized group. Merging *NO-CODE transplant-hobbyists* with dedicated-purist *20+ word-per-minute operators* will invariably insure a serious & irreconcilable clash. This incompatibility will certainly sabotage the intent & purpose of the *Amateur Radio Service*.

5. **INTERNATIONAL GOODWILL THREATENED:** *NO-CODE candidates* correlate more closely with the *general populace* than with *highly skilled & disciplined groups*. A *NO-CODE influx* will unduly stress the already overcrowded bands (one example: 75 meters, Saturday night.) The foreseeable outcome is unmitigated conflict that will be received very poorly by the *Domestic & International Short-wave Communities*. In

fact, the F.C.C. could paradoxically destroy the *Amateur Service* by inadvertently staging such infighting. One scenario could involve *B.P.L. (Broadband over Power Lines.)* At some point, *commercial interests* might argue that *NON-C.W. Chaos* is deserving of a *band-grab* response. Such an outcome is likely when *Amateur Radio* is blurred with other entities like *Citizens' Band* and the *Family Radio Service*. *Amateur Radio is not Amateur Radio* without C.W.

6. **CHRONOLOGICAL SAFETY PERIOD:** Per Item #5, an immediate 25-year moratorium must be placed upon the abolition of C.W. proficiency testing. This will permit a one-generation assessment of an overseas observational model. The domestic review period between 2000 & 2005 is unreliable because it is skewed by pent-up-demand. (Initial *NON-C.W. entrants* are of a higher-caliber than the *long-term influx*.) Therefore, a valid impact assessment control-study has never been possible to date. My *25-year recommendation* is a *safety valve* to protect the *United States* until the folly of C.W. abandonment is universally appreciated.

7. **PROVEN DESIRABILITY:** My 38-year observation is that *Extra-Class C.W. Operators* do not operate in blatant disregard to propriety as do their counterpart *Voice-Operators*. This observation is monumental in proving the outstanding demeanor of *C.W. Operators en masse*, a fact that abundantly begs F.C.C. acknowledgement. The ***Great-debate answer*** whether C.W. discipline translates into positive-outcomes resides here. **Why has the F.C.C. never addressed this *tell-all* glaring aspect?** Doing-so would forever dispel the F.C.C. myth that higher-class operators are somehow seen as being undesirable by the *Enforcement Bureau*, when compared to their *NO-Code* counterparts. The license-class is not the absolute determining-factor of a *Quality Radio Amateur*. The **operational-mode** (C.W.) certainly does correlate positively though. The F.C.C. Enforcement Bureau can corroborate my assertion: Virtually all F.C.C. disciplinary actions are in the Voice-Band. *Morse code* operators communicate in a legal mindful manner that is logical & beneficial.

8. **BLATENT STATISTICAL ERROR:** Normal populations demonstrate a bell-shaped distribution curve. Before the F.C.C. reduced C.W. standards, the *normal-curve* abounded (as applied to the various 6 license classes.) Now the *curve* is artificially skewed. This skewing is **NEITHER** normal **NOR** desirable. Originally, only 10% of the *Amateur Radio* population achieved *Amateur-Extra* status. A similarly balanced reflection was observed on the *Novice-end*. Today the extreme influx of *LOW-CODE C.W. Operators* has targeted an increase in the *Amateur-Extra* population by 40%! This obvious anomaly should compel the F.C.C. to reestablish the natural-order posthaste. Banning C.W. proficiency testing will further skew the pattern in the wrong direction. Giving mostly *A-grades* to a group will not make that group more educated, functional or desirable. The proposed C.W. proficiency ban would be analogous to the classroom example of doling-out widespread *A-grades* without merit.

9. **WORLD LEADER:** Despite the *United Nations* impetus to conform, the *United States* is duty-bound to deliver better. Even if the bulk of the world transgresses with C.W. proficiency testing abolition, this country is obligated to retain the *American-tradition* of ascended-excellence. Prior history demonstrates our societal *can-do* advantage. Further specifics of this will be extolled during the F.C.C. investigation of Item #2.

10. **DISABILITY:** Exemplary *United States* laws provide for equal opportunity but NOT necessarily equal outcome. This allowance is fair because everybody is permitted participation. Freedom abounds, rightfully-so & *equal-outcome* is NOT forced. C.W. proficiency testing does not violate these equal-opportunity parameters. However, *C.W. abolition* does violate fairness-parameters & essentially forces all competency-classes into one. As previously mentioned in Item #4 it is pragmatically flawed as well. General *disability-arguments* against C.W. proficiency testing are largely disingenuous. I for one suffer from total disability & am offended by those who play the *D-card* for manipulatory easy-gain purposes. In the realm of it-takes-one-to-know-one, no *NON-C.W. person* has the right to pass judgment against this current C.W. proficiency testing issue. An established rule of psychology is that virtually nobody likes an activity in which he performs poorly (including

unknown activities as well, such as C.W.) The corresponding prejudice against that task (C.W.) then disproportionately escalates.

Therefore, no *NON-Code Proficient F.C.C. Individual* may legitimately pass negative judgment on this crucial issue. To do so would blatantly compromise the rational objectivity of this pursuit. Of course, those who endorse higher-education might automatically reflect favorably on C.W. proficiency without possessing actual skill in that discipline.

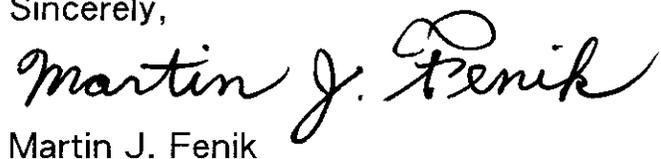
11. **ACCOUNTABILITY:** All individuals involved in deciding this C.W. proficiency testing issue shall be listed in the *Federal Register*. Voting status & contact information must be provided.

12. **SUMMATION:** C.W. is absolutely necessary for effective & reliable M.F. & H.F. communications in the *Amateur Radio Service*. Only an *undedicated-individual* might be discouraged from joining the *C.W.-proficiency ranks*, which in-reality is a beneficial outcome. In this setting, *greater-quantity* equates into *diminished-quality*. C.W. proficiency is the mark of a *quality-operator*. The same rationale applies to **comment-petitions**. *More* is not better. One single insightful letter easily trumps 50,000 *easier-is-better* responses. Since the skilled C.W. pool of operators is a tiny fraction of the population, great F.C.C. sensitivity must be afforded to protect *C.W. minority-rights*.

Finally, C.W. testing does not conflict with the ability of a dedicated individual to contribute to the advancement of the radio art. The dual-skill group (C.W.) will always provide a stronger base-of-contribution. I have put forth my best efforts at contributing by compiling this letter. **Please do my toils justice by voting to retain C.W. Morse code testing!** Thank you.

If possible, a written response to the items in this comment-letter would be greatly appreciated.

Sincerely,


Martin J. Fenik