

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of)	
)	
Amendment of Part 97 of the Commission's Rules)	WT Docket No. 05-235
To implement WRC-03 Regulations applicable to)	
Requirements for operator licenses in the)	RM-10781, RM-10782, RM-10783,
Amateur Radio Service)	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, RM-10870

Reply Comment of Robert G. Rightsell, AE4FA

Introduction

I wish to reply specifically to comments filed by Mr. Herb Blair, K5AT, Mr. Christopher Morrow (no callsign listed), Mr. Joseph Speroni, AHØA, the ARRL, and in general to a host of other filed comments too numerous to list. My original comment was submitted October 28, 2005.

Discussion – Mr. Blair

Mr. Blair asserts that the majority of comments filed support the NPRM. He is very mistaken. At this writing, approximately 55% of the comments favor retaining Morse examination either for both upper classes of license or for the Amateur Extra alone. This trend has been growing steadily. Documentation of this has been supplied by Mr. Speroni (widely recognized as Amateur Radio's unofficial statistician) at <http://www.ah0a.org/FCC/05-235/Nom.html>.

Mr. Blair states that Morse examination "has been a roadblock for many years to highly technical people, that don't care to learn about a mode of transmission that they will never use." This is an oft repeated claim, but never has anyone, anywhere submitted documentation to support it. Let's examine the record. Highly technical people already have access to Amateur Radio via the Technician license. So, just how many of them have developed new modes of transmission? Where is the innovation that has been promised from them since the years leading up to introduction of the no-code entry license in 1991? Every new mode developed in the past 15 years, and there have been many, has resulted from the work of higher class licensees, those who accomplished either the 13wpm or 20wpm requirements for their licensure. Virtually all the new frontiers of operation in the upper reaches of radio frequency operation have been documented by the same group, not by those "highly technical" folks Mr. Blair touts.

As for the second part of that statement, is it really any different for a person who has no knowledge of or experience with Morse code to say that he doesn't like it and will never use it than for a two-year-old confronted with peas on his plate for the first time to say he doesn't like peas and will never eat them? Judgments based on nothing more than that sort of thinking are inherently flawed and indefensible.

Discussion – Mr. Morrow

Mr. Morrow states, "With that said, IFF Morse code continues to be required, I would recommend that those who have passed Morse code exams be required to take and pass Morse code exams at three year intervals - test takers could not take the test for "re-certification" for at least 30 months. This would help to keep the "pass it once and give all privileges therein" amateurs proficient with code; if they truly use the code, they would have no problems passing the examination regardless of when it was given. If, however, those amateurs pass it once simply for privileges, they would not continue to have such privileges for long."

This is actually not a bad idea. Unrealistic, but not a bad idea. But where is his proposal for theory re-certification? It would seem that if re-certification is established for one area of examination, it should be instituted for all. No matter. It is, as I said, unrealistic.

Mr. Morrow then goes on to say, "If newcomers to Amateur Radio are required to take Morse code exams for an out-dated mode of communication to promote into the higher ranks, then the oldtimers (no disrespect intended - after all, we can all learn something from OMs) should not only be required to maintain their efficiency by taking subsequent Morse code exams, but they should also get the opportunity to take (and hopefully pass) exams to use modes of communications that only the newcomers have had the experience to use"

I am stunned at the final portion of that statement, "they should also get the opportunity to take (and hopefully pass) exams to use modes of communications that only the newcomers have had the experience to use". Just who does Mr. Morrow think developed these new modes? Does he believe they dropped from the sky like manna? As noted with Mr. Blair above, virtually all the new frontiers of operation in the upper reaches of radio frequency operation and development of new modulation schema have been the work of higher class licensees, those who accomplished either the 13wpm or 20wpm requirements for their licensure.

Discussion – Mr. Speroni

Mr. Speroni stated, "In the course of the review it became apparent that Morse code testing is only part of the broader issue of licensing requirements. Many commenters to the NPRM feel strongly that the process needs attention, both as it relates to the Morse code testing and the written examination process." I could not agree more. In RM-

10807, which was dismissed in its entirety by the Commission, Mr. Kholer and I documented a tremendous decline in the technical examination requirements for Amateur licensure during the last decade. We proposed restoration of comprehensive examination for each license class.

It seems odd, to say the least, that in this time of rapidly advancing technology that the Commission would countenance continued declines in the examination of technical competence. Rather, this should be a time of renewed acceleration in this area. A sufficient number of petitions and comments have once again raised this issue to the Commission for some serious consideration to be undertaken.

As Mr. Speroni has stated, “Clearly a majority of the Amateur community desires improvements in licensing requirements that have not been addressed by NPRM 05-235. The inability to find a process via the FCC to address these concerns is frustrating these interests.” I must agree that the Commission has erred by omission in this area. Further, Mr. Speroni’s statements with regard to the almost total ineffectiveness of the National Council of Volunteer Examiners (NCVEC) and its Question Pool Committee (QPC) are on target. It is imperative that the Commission reestablish control in order to restore public confidence.

I fully agree with a great deal more of Mr. Speroni’s comment. However, we part company with his proposal, “The function of providing amateurs with a certificate verifying successful completion of a Morse examination should be formally added to the VE team responsibility.

§97.509 Administering VE requirements.

.....

(l) Administering VECs, upon receipt of an applicants request must issue a Morse compliance certificate to an examinee scoring a passing grade on a VE administered Element 1 examination.”

This seems rather clumsy at best. What of those, like me, who have passed Morse testing at some level at least once, but retained no documentation other than a current license? How is it possible for an entity with no independent record to certify Morse compliance? The license issue date is no help. Next time I renew, this issue will have been decided. The license issue date will not reflect whether I’ve mastered any level of Morse (which I have – at 20wpm).

Reciprocal operating privileges are a major concern to many in the Amateur community. The Commission has not, to date, addressed this issue. But it is one of serious importance and should not be ignored. It is absolutely imperative that the Commission, the sole possessor of independent licensing records, be prepared to certify US Amateurs who are qualified for reciprocal licensing. There can be no substitute.

Discussion – ARRL

First, I fully support retaining Morse examination for the Extra class license. Beyond that, I cannot agree with virtually any other portion of the ARRL comment. Morse testing should continue for the General license as well. If it is not, their quest for 'an entry-level license with meaningful HF privileges' is totally pointless. The fact of the matter is that if Morse testing for General is eliminated, General will become the defacto entry license. Given the current abysmal state of written examinations, removal of Morse testing for Extra will result in that class becoming the entry-level license of choice for some. I fail to see how the Commission, which speaks of preserving incentives in the licensing structure, is proposing anything short of abolishing incentives.

The ARRL, in its comment, has continued to press for a 'new entry level class' of license with significantly reduced examination requirements. As noted above, the rapidly advancing technology of this time demands that technical requirements for Amateur licensure be increased, not diminished. ARRL officials are clearly out of touch with their membership, US Amateur Radio operators in general, and with reality on this issue.

The last few rounds of Rule Making have produced interesting anomalies in Amateur Radio and the Commission's record keeping structure. From 1951 through 1991, we had the following classes of license:

- Novice – basic electronics, rules, Morse at 5wpm, 35 questions
- Technician – higher level electronics, rules, Morse at 5wpm, 35 questions
- General – higher level electronics, rules, Morse at 13 wpm, 35 questions
- Advanced – near expert level electronics, rules, 13wpm, 50 questions
- Extra – professional level electronics, rules, 20wpm, 50 questions

In 1991, the rules changed, producing the following:

- Novice – basic electronics, rules, Morse at 5wpm, 35 questions
- Technician – basic electronics, rules, 35 questions
- Technician Plus – basic electronics, rules, Morse at 5wpm, 35 questions
- General – higher level electronics, rules, Morse at 13 wpm, 35 questions
- Advanced – near expert level electronics, rules, 13wpm, 50 questions
- Extra – near expert level electronics, rules, 20wpm, 50 questions

Then, in 2000, the regulations changed again, giving us:

- Technician – basic electronics, rules, 35 questions
- Technician with HF – basic electronics, rules, 35 questions, Morse at 5wpm (undocumented by the FCC)
- Technician Plus – basic electronics, rules, 35 questions, Morse at 5wpm
- General – slightly higher level electronics, rules, Morse at 5 wpm, 35 questions
- Extra – semi-advanced level electronics, rules, 5wpm, 50 questions

However, since the Commission refused to consolidate existing license classes into those being offered after April 15, 2000, the actual licenses recorded in the Commission's database are:

- Novice – basic electronics, rules, Morse at 5wpm, 35 questions
- Technician – basic electronics, rules, 35 questions
- Technician with HF – basic electronics, rules Technician – basic electronics, rules, 35 questions, Morse at 5wpm (undocumented by the FCC)

Technician Plus – basic electronics, rules, 35 questions, Morse at 5wpm
General – slightly higher level electronics, rules, Morse at 5 wpm
General – higher level electronics, rules, Morse at 13 wpm
Advanced – near expert level electronics, rules, 13wpm, 50 questions
Extra – semi-advanced level electronics, rules, 5wpm, 50 questions
Extra – near expert level electronics, rules, 20wpm, 50 questions

This represents a progression from five distinct groups to nine. It is hardly a shining example of streamlining. Under the NPRM as written it will certainly expand further, to eleven, to include two new groups, the no-code General and the no-code Extra. This sort of thing is invariably the result when a piecemeal approach is employed.

Having now been twice (or was it three times?) rejected in its efforts to have Technician licensees automatically upgraded to General class, the ARRL now wants Technicians (and newcomers) elevated to limited High Frequency (HF) privileges equivalent to those enjoyed by Technician Plus and Technician with HF status. This is utterly preposterous.

The ARRL would have yet another, even more poorly prepared, group added to the mix. They appear to be proposing yet another step backwards, and I urge the Commission to reject it yet again else the Amateur Radio Service sink into even more disrepute.

It is my fervent hope that some US Amateur Radio organization will undertake a long term study leading to development of a fair, balanced, and fully documented petition for wholesale revision of license structure, examination requirements, incentive based privileges, and regulatory requirements. This would allow the Commission to fully consider all the interrelated issues at one time, rather than being forced to respond to an almost annual barrage of narrowly focused proposals as it has been increasingly for the past 20 years.

Discussion – general comments by many others

Some in our community labor under the impression that the comment and reply periods amount to nothing more than a mere balloting period. This is, of course, mistaken. The Commission has, as required, has requested comment and reply from those who would be affected by this Rule Making proceeding. I believe it behooves us to submit thoughtful, cogent comment. I further believe it would behoove the Commission to disregard the host of simplistic submissions that fail to discuss the issues in any meaningful way (including those supposed 'reply comments' that fail to actually reply, but are actually reiterations of previously posted comments). The Commission is obligated to consider the issues involved and reach a conclusion that is responsive to the intelligently expressed concerns of the amateur community. Anything less would be a grievous insult to our unique system of government and especially to the institution of the Federal Communications Commission.

Sincerely,

Robert G. Rightsell, AE4FA

P O Box 1492
Lexington, SC 29071-1492

Submitted via ECFS