

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 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-19786  
) RM-10787, RM-10808, RM-10809  
) RM-10810, RM-10811, RM-10867  
) RM-10868, RM-10869, RM-10870

To: The Commission,

**OPPOSITION, IN PART AND IN TOTAL, TO PETITION  
OF MR. RUSSELL D. WARD, Jr. FOR PARTIAL RECONSIDERATION  
OF WT DOCKET 05-235**

Mr. Russell D. Ward, Jr. requests the Commission to reconsider the *Report and Order* (the *R&O*) FCC 06-178 released on January 24, 2007, 72 Fed. Reg. 66460 et seq<sup>1</sup> because of procedural problems with the FCC's email server and that the Commission failed to consider all comments because of "said email server problems". Mr. Ward goes on to propose remedies, but fails to address the impact on the issuance of licenses in the ensuing time since FCC 06-178 became effective on February 23, 2007.

**REMEDY 1 – IMMEDIATELY HALT AND STAY THIS PUBLISHED  
DOCKET, W.T. 05-235 (FCC 06-178)**

For the Commission to implement this recommendation, it would throw the whole licensing process into disarray. Numerous questions would have to be contemplated: (a) what would be the status of all licenses issued since February 24, 2007 for those Amateurs who up-graded from Technician

to General or Extra Class license; (b) what should the VEC's do for future test sessions; (c) should the Commission suspend

---

<sup>1</sup>The effective date of the modified rules adopted in the R&O is February 23, 2007

all test sessions until such time that one or more of Mr. Ward's remedies are implemented?

Given the time that would be required to re-open WT Docket 05-235 for comment and subsequent Commission deliberation, this poses an unnecessary burden on both the Commission and Amateur community.

Would the Commission recall all licensees who have upgraded from Technician for testing of the Morse Code requirement? Again, this would be an unnecessary burden on both the Commission (sending letters for re-testing and changing the license data base to reflect these recall letters) and the VEC for performing the retesting.

The Commission received many thousands of comments on the original Rule Making (RM) petitions and the Notice of Proposed Rule Making (NPRM). (I read many, but not all, of the comments. The vast majority were emotional and failed to provide thoughtful and/or reasoned responses. There were a number, although small, of reasoned comments, both for and against the elimination of the Morse Code requirement and the Commission identified and addressed them in the Final Report and Order (R&O).) If, as Mr. Ward contends, that there were others, besides himself, who submitted comments that were not posted, for whatever reason, I believe that it was incumbent upon each individual to do exactly as Mr. Ward did in calling the Commission and having his emails traced and posted.

## **REMEDY 2 – FIX THE FLAWED ECFS AND TEST IT RIGOROUSLY**

Mr. Ward contends that his properly formatted emails in response to WT Docket 05-235 were not properly handled by the Electronic Comment Filing System (ECFS) and caused a delay in their posting (resolved only by calling the FCC). Mr. Ward makes the unsubstantiated claim that ‘email systems running on pc’s and UNIX systems are notorious for poor audit capability.’ There is no mention, as to what system (pc or UNIX or other Operating System) the FCC ECFS uses. Therefore, how does Mr. Ward justify this comparison? Additionally, Mr. Ward asserts that the FCC discriminates against “all” Amateur Radio licensees because the ECFS did not recognize his email addresses (W4NI at netscape.net and WA4ZZU at yahoo.com). Did Mr. Ward verify with the FCC representatives that other AMATEUR CALL SIGNS were treated as “spam”?

If the true issue is “How is the EDFS spam filter configured to recognize spam emails?”, it should be addressed administratively and not by suspending and reconsidering a ruling that has already been made. One example of a problem, that by the petitioner’s own admission was fixed, does not justify such “**Draconian**” measures as suspending and re-visiting an issue that generated many thousands of comments that were registered in the ECFS.

**REMEDY THREE – RE-OPEN THE PROCEEDING TO ALLOW ALL COMMENTS.**

This remedy is “**Draconian**” in total. There is no supporting evidence in Mr. Ward’s petition for reconsideration to justify this remedy. The time

between the original issuance of the 18 RM petitions, the NPRM, and the Final Report & Order was over two years. What happens in the interim to the licensing process and to the licenses granted since February 23, 2007? Mr. Ward does not propose a reason to justify his request. (Does Mr. Ward want to start another round of divisive comments and name calling in the Amateur Radio community or is this a way to get a decision he does not agree with, held in abeyance for another lengthy period of time? I would hope not.)

**REMEDY FOUR – RECONSIDER THE NPRM AFTER A VALID COMMENT PERIOD.**

Mr. Ward’s fourth proposal is a re-wording of Remedy Three. It has the same result in delaying FCC 06-178, the implementation of the WRC-03 recommendation to the National Governing Bodies for the Regulation of Radio Spectrum (in our case the FCC). What more can be said about the elimination of the Morse Code Requirement for holding an Amateur Radio License? The WRC saw the Morse Code Requirement as no longer a necessary “body of art” and that the trends in communications were moving in a different direction, just as other technologies were evolving, and decided to let each nation decide for itself, the relevance of a Morse Code requirement, in the licensing of Amateur Radio Operators. The decision has been made and we need to move forward.

**SUMMARY**

In conclusion, I respectfully request that the FCC deny this petition for re-consideration of WT 05-235 for the following reasons:

- (1) Remedies One, Three, and Four are not fully thought out as to the repercussions upon those Amateurs that have successfully tested for and been granted a higher class of license. The resulting impact on the licensing system to revert all these new licenses to their previous status. The cost that the FCC would incur in having to send letters to all the Amateurs who have upgraded. Also, the additional time and allocation of resources at the FCC to revisit WT 05-235, with no assurance that the result would be any different, is not justified because of a “defective spam filter” in the ECFS.
- (2) Remedy Two, in and of itself, is not a justification to re-visit WT 05-235. The change to the “spam filter and rigorous testing of such” is an administrative issue for the FCC’s Information Technology department to address and fix, as necessary.
- (3) No “man made system” is perfect, 100% of the time. It is incumbent upon each person submitting a response to any petition for Rule Making to follow-up verifying that their comments were indeed accurately recorded, just as Mr. Ward did. If every decision had to be made with 100% of the interested and/or affected parties responding, then we would never reach a final decision.

Respectfully submitted,

---

William F. Wootton, III  
2003 North Limestone Drive  
Ellettsville, IN 47429-9493

Professional Engineer  
KC9ACL