

W5YI

Nation's Oldest Ham Radio Newsletter REPORT

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★ In This Issue ★

Vanity Call Sign Order Released
• Complete Word-for-Word Text!
• New Part 97 Rules on Vanity Calls
Amateur Radio Call Signs to Feb. 1st ARRL Membership at All Time High
FCC Targets KV4FZ License Renewal
ARRL Comments On Millimeter NPRM STS-67 to Carry Six Ham Astronauts
The Status of K1MAN's Forfeitures
Ham Community Gets 13-cm Band!
• Amateur Service: 2400-MHz Primary
New 902-928 MHz Band Allocations
FCC Rejects ARRL 33-cm Petition
Legislative/Internal Changes Sought
...and much much more!

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FCC Releases Details on Vanity Call Signs

On Feb. 1st, the FCC released the full text of the *Report and Order* covering how amateurs may obtain station call signs of their choice. There were not too many surprises over the information contained in the preliminary press release - but there were some. Here is the complete text of the *Order* including the new Part 97 Rules. [The footnotes have been included in square brackets.]

Before the
Federal Communications Commission
Washington, D.C. 20554

PR Docket No. 93-305

In the Matter of

Amendment of the Amateur
Service Rules to Implement
a Vanity Call Sign System

REPORT AND ORDER

Adopted: Dec. 23, 1994; Released: Feb. 1, 1995

By the Commission:

1. On Dec. 13, 1993, we adopted a *Notice of Proposed Rule Making (Notice)* in the above-captioned proceeding. In the *Notice* we proposed to amend our rules to provide a system for the assignment of vanity call signs to amateur stations. This item adopts final rules implementing a vanity call sign system.

2. Each new amateur station licensed by the Commission is assigned a unique call sign. [Section §97.119(a), requires an amateur station to transmit its

assigned call sign on its transmitting channel periodically for the purpose of making known, clearly, the source of the transmission from the station to those receiving the transmissions.]

An automated process selects the call sign according to our sequential call sign system. [Our sequential call sign system is described in the FACT SHEET PR-5000 #206 *Amateur Station Call Sign Assignment System* dated June 1991. A new call sign is sequentially selected from alphabetized regional-group listings for the licensee's operator class and mailing address. Each call sign has a one or two letter prefix and a one, two, or three letter suffix separated by a number indicating the geographic region. Some examples are: W1AA, N3AAA, AA5A, AB7AA, and KA9AAA. There are almost 15 million possible combinations of letters and numbers for amateur station call signs.]

Until recently, we have been unable to accommodate the many thousands of requests that we receive for call signs of the licensee's choice. One of our many steps of reinventing Government is to implement new licensing processing capabilities that make it practicable to grant such requests. To this end, we proposed a vanity call sign system, and asked for public comment on our proposal.

We further proposed to use our increased capabilities to resume issuing new club and military recreation station licenses. We received one hundred and five timely comments and four timely reply comments. All of the comments have been carefully considered.

3. The comments confirm the ardent desire of many amateur operators to select the call signs for their

stations and their willingness to pay a fee for this service. There were, moreover, several excellent improvements to the proposed system suggested. We hereby adopt rules for a vanity call sign system, incorporating several suggestions from the commenters as discussed below.

II. DISCUSSION

Fairness

4. A major concern of the amateur service community is that the system adopted for allocation of vanity call signs be fair and equitable. Specifically many commenters suggested using a method of priority with respect to filing applications for vanity call signs.

The American Radio Relay League (ARRL) states that, in the interest of fairness and efficiency, the timing and priority in the filing of applications should be important facets of the system that we adopt. The ARRL favors giving the first priority in applying for a call sign to the former holder or, where the holder is deceased, to a close relative.

Several commenters favor giving high priority to those who hold the higher classes of operator license. [There are six classes of amateur operator license. In order of examination difficulty they are, lowest to highest: Novice, Technician, Technician Plus, General, Advanced, and Amateur Extra.] Other commenters favor giving priority to those who have held their licenses the longest.

5. The ARRL's suggested method is to open the system gradually through four "starting gates."

- **Gate One** would allow a previous holder to apply for that call sign [other commenters also recommended this plan] or where the holder is deceased, a close relative could apply.
- **Gate Two** would allow the 66,000 Amateur Extra Class operators, who have passed the most difficult license examinations, to apply.
- **Gate Three** would allow the 112,000 Advanced Class operators, who have passed the second most difficult license examinations, to apply.
- **Gate Four** would open the system to any licensee. [As of May 31, 1994, there were 631,399 amateur stations licensed by the Commission.]

A club station license trustee would also be allowed to apply for the call sign of a deceased former holder.

6. The suggestions for filing priority and fairness are persuasive. Given the strong interest in vanity call signs shown in the comments, it is obvious that the number of applications filed initially could be very large. We agree that a filing priority schedule would be helpful in maintaining fairness and efficiency during the initial

implementation of the system, as well as ease administrative burdens on the Commission.

The suggestions concerning giving the highest filing priority to former holders and close relatives of deceased holders appear to be perceived as fair by the amateur service community generally, as does the giving of high priority to those who hold the higher classes of operator license.

Information on the class of operator license held by each amateur operator, moreover, resides in our license data base and lends itself to an automated process. Information on the length of time a person has been an amateur operator is not readily available, thus making that criterion impracticable to use as the basis of a filing priority schedule. Thus, after all amateur operators have been given an opportunity to obtain call signs that they, or deceased close relatives, formerly held, we will use operator license class as the basis for the filing priority schedule. In this regard, we are adopting the ARRL's suggesting starting gates.

7. We will announce the opening of each gate by a Public Notice. The first gate will open as soon as our new FCC Form 610-V is available and our licensing facility is prepared to begin processing the applications.

Gate One will open the system to the smallest group, i.e. a few thousand prior holders and close relatives of deceased prior holders. [We define close relatives as the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law of the deceased.]

This phase will provide validation of our system procedures and alert us to any adjustments needed. We will then open the subsequent gates at such times as it is clear that the system is ready to accommodate more applications. We will also continue our sequential call sign system for new licensees and for those who do not want vanity call signs.

Assignable Call Signs

8. In the *Notice* the system we proposed would require applicants to file a form, together with the required fee, with our fee collection contractor. [The current contractor is the Mellon Bank. It accepts applications in Pittsburgh, Pennsylvania.]

The applicants would request their station licenses be modified to show vanity call signs. We further proposed that the applicant would list on the form a maximum of ten call signs in order of personal preference.

After receiving the forms from our contractor, we would use an automated process to compare each applicant's list of preferred call signs with the list of call signs that are assignable at that time. The forms

would be processed in the order they are received at the processor's work station. The first assignable call sign from the applicant's list would then be assigned to the station.

9. We requested comments on how the call signs that are already assigned could be made known to applicants so as to allow them to make prudent requests and thereby increase the probability that their requests can be granted.

The ARRL states that private sector entities can easily provide applicants with lists of assignable call signs, but only after the initial surge of applications is completely processed. Until such time, even with starting gates, it foresees a very heavy demand for certain specific call signs so as to make it difficult for the applicant to determine which call signs are assignable.

The ARRL suggests, therefore, that an applicant be permitted to submit a preferential list of twenty-five call signs, thus increasing the chances of requesting an assignable call sign. We agree with ARRL that increasing the number of call signs that may be requested will reduce the number of unsuccessful applicants. We will allow, therefore, applicants to list up to twenty-five call signs in order of preference.

10. The ARRL prefers that an applicant be permitted to request only those call signs that are assignable to stations in the call sign region where the licensee resides. We have carefully considered this suggestion. We have decided, however, not to impose that limitation. Otherwise, the applicant's choice of vanity call signs would be reduced to ten percent or less of the call signs that would otherwise be assignable to the station. A limitation based upon the person's place of residence, moreover, could easily be circumvented by using a mailing address in another call sign region.

(11.) We proposed that a call sign vacated by a licensee be made assignable immediately under the vanity call sign system. Several commenters, however, believe that a two-year period is necessary before a call sign again becomes assignable in order to avoid confusion in over-the-air station identification, to maintain accuracy in the licensee data base, and to accommodate QSL bureaus. [A QSL bureau is an organization that facilitates the exchange of confirmation cards between amateur operators whose stations have communicated with each other.]

Further, they believe that it would preclude "trafficking in licenses" where a licensee, in exchange for some type of consideration, vacates a desirable call sign so that another licensee could immediately apply for it before its assignability becomes known generally.

A two-year interval would, moreover, make the assignability of vacated call signs consistent with the

assignability of a deceased person's station call sign, or a licensee's expired station call sign. The comments are persuasive on this point. Therefore, the rules will reflect that a vacated call sign will not be assignable for a two-year waiting period.

Club stations

12. There was support in the comments for resumption of the issuance of new club station licenses. In the *Notice* we proposed that an applicant for a vanity call sign must be a current holder of a station license.

The Hill Country Radio Club (Hill) suggests that applicants for new club station licenses be able to request a vanity call sign immediately, rather than having to wait and apply after they receive licenses. Hill considers a two-step procedure ponderous and unfair to new clubs that have been precluded from obtaining club licenses for many years.

The two-step process, however, is an administrative necessity because of the fee required for a vanity call sign. The application for a vanity call sign is the only amateur service application that must be filed with our fee collection contractor. [Applications for licenses involving examinations are filed with the local volunteer examiners who forward them through a coordinator to the Commission. All other amateur service license applications are filed directly with the Commission.]

Persons not already holding a club station license, therefore, must first apply for and receive a license before they can file an application with the fee collection contractor requesting that the license be modified to show a vanity call sign. However, we will begin accepting applications for club and military recreation station licenses on the date this *Report and Order* becomes effective.

In many cases, therefore, the license trustee will be able to obtain a license document and thus will be eligible to apply for a vanity call sign for the club station when the starting gate for this or her class of operator license opens. The final gate will also allow a club station licensee trustee to apply for the call sign of a deceased former holder. The license trustee must obtain a written consent from a close relative of the deceased.

Special event stations

13. The ARRL requests that specific call signs in a unique call sign block be made assignable only to certain special event stations, and suggests the one-by-one call sign block for this purpose. [A one-by-one call sign consists of a single prefix letter - K, N or W, the region number - 0 to 9, and a single suffix letter, A to Z. There are 780 such call signs. They are not assigned under the sequential call sign system.]

The ARRL states that such specific call signs should

be reserved for assignment to stations operating in conjunction with short term special events of national significance.

A special event vanity call sign system may meet the needs of amateur operators for temporary operation of their stations during events that are of special significance to the amateur service community. We will, therefore, set aside the one-by-one call sign block until the matter can be addressed in a separate proceeding.

Filing procedure

(14.) In our Notice, we asked for comments concerning alternative ways, such as magnetic computer disks that applicants could use to apply directly to the Commission for a vanity call sign. Several ways were suggested.

One commenter suggests a procedure where applicants would file the application form by facsimile and provide a credit card number. His second suggestion is an electronic on-line filing procedure where the applicant answers a series of questions to search the Commission's data base for an assignable call sign. If the call sign is assignable, the applicant would file an application form after paying the fee by credit card. The Commission's printed acknowledgement of the transaction would constitute a temporary license. These suggestions were helpful and we will investigate these ideas for possible future use.

15. Some commenters believe that the fee charged for a vanity call sign should be charged on a one-time basis only, and that no fee should be required when the license is renewed. The ARRL believes that a one-time fee is more appropriate because the Commission's additional workload occurs at the time of the initial processing of the vanity call sign.

Section 9(g) of the Communications Act of 1934, as amended, currently provides for the payment of an annual fee of \$7.00 for an amateur station vanity call sign. Because the normal term of an amateur station license is ten years, a fee of \$70.00 will have to be paid when requesting a new or renewed vanity call sign. At this time, under the Communications Act, we cannot provide a one-time fee for processing vanity call sign applications.

III. CONCLUSION

16. We have decided to offer a vanity call sign system to the amateur service community, in recognition of the strong sense of identity among amateur operators that is grounded in the call signs of their stations. We have also decided to resume issuing new club and military recreation station licenses. We see these actions as fundamental to our commitment to put the needs of people first in providing the services that they

want.

We are pleased to be able to make this new system available to the amateur community. Therefore we amend the amateur service rules to implement a vanity call sign system as set forth in the attached appendix.

IV. ORDERING CLAUSES

17. Accordingly, IT IS ORDERED that effective March 24, 1995, Part 97 of the Commission's Rules, 47 C.P.R. Part 97 IS AMENDED as set forth in the Appendix hereto. Authority for this action is found in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.A. §§ 154(i) and 303(r).

18. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

19. For further information contact Maraca J. Depone, Wireless Telecommunications Bureau, 202-418-0690.

FEDERAL COMMUNICATIONS COMMISSION

William F. Canon
Acting Secretary.

APPENDIX

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.A. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.A. §§ 151-155, 3011-609, unless otherwise noted.

2. Section 97.3 is amended by redesignating paragraphs (a)(11) through (a)(45) as paragraphs (a)(12) through (a)(46) and adding new paragraph (a)(11) to read as follows:

§ 97.3 Definitions

(a) ***

(11) *Call sign system.* The method used to select a call sign for amateur station over-the-air identification purposes. The call sign systems are:

(i) *Sequential call sign system.* The call sign is selected by the FCC from an alphabetized list corresponding to the geographic region of the licensee's mailing address and operator class. The call sign is shown on the license. The FCC will issue public announcements detailing the procedures of the sequential call sign system.

(ii) *Vanity call sign system.* The call sign is selected by the FCC from a list of call signs requested by the licensee. The call sign is shown on the license. The

FCC will issue public announcements detailing the procedures of the vanity call sign system.

* * * * *

3. Section 97.17(f) is amended by revising paragraph (f) and adding paragraph (h) to read as follows:

§97.17 Application for new license or reciprocal permit for alien amateur licensee.

* * * * *

(f) One unique call sign will be shown on the license of each new primary, club, and military recreation station. The call sign will be selected by the sequential call sign system.

* * * * *

(h) Each application for a new club or military recreation station license must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. No new license for a RACES station will be issued.

4. Section 97.19 is added to read as follows:

§ 97.19 Application for a vanity call sign

(a) A person who has been granted an operator/primary station license or a license trustee who has been granted a club station license is eligible to make application for modification of the license, or the renewal thereof, to show a call sign selected by the vanity call sign system. RACES and military recreation stations are not eligible for a vanity call sign.

(b) Each application for a modification of an operator/primary or club station license or the renewal thereof, to show a call sign selected by the vanity call sign system must be made on FCC Form 610-V. The form must be submitted with the proper fee to the address specified in the Private Radio Services Fee Filing Guide.

(c) Only unassigned call signs that are available to the sequential call sign system are available to the vanity call sign system with the following exceptions:

(1) A call sign shown on an expired license is not available to the vanity call sign system for 2 years following the expiration of the license.

(2) A call sign shown on a surrendered, revoked, set aside, cancelled, or voided license is not available to the vanity call sign system for 2 years following the date such action was taken.

(3) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with the written consent of at least one relative, as listed above, of a person now deceased, the call sign shown on the license of a person now deceased is not available to the vanity call sign system for 2 years following the

person's death, or for 2 years following the expiration of the license, whichever is sooner.

(d) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with the written consent of at least one relative, as listed above, of a person now deceased who had been granted the license showing the call sign requested, the vanity call sign requested by an applicant must be selected from the groups of call signs designated under the sequential call sign system for the class of operator license held by the applicant or for a lower class.

(1) The applicant must request that the call sign shown on the current license be vacated and provide a list of up to 25 call signs in order of preference.

(2) The first assignable call sign from the applicant's list will be shown on the license grant. When none of those call signs are assignable, the call sign vacated by the applicant will be shown on the license grant.

(3) Vanity call signs will be selected from those call signs assignable at the time the application is processed by the FCC.

5. Section 97.21(a)(3) is revised to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) ***

(3) May apply for renewal of the license for another term. (The FCC may mail to the licensee an FCC Form 610-R that may be used for this purpose.)

(i) When the license does not show a call sign selected by the vanity call sign system, the application may be made on FCC Form 610-R if it is received from the FCC. If the Form 610-R is not received from the FCC within 30 days of the expiration date of the license for an operator/primary station license, the application may be made on FCC Form 610. For a club, military recreation, or RACES station license, the application may be made on FCC Form 610-B. The application may be submitted no more than 90 days before its expiration to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the application for renewal of the license has been received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 prior to the license expiration date, the license operating authority is continued until the final disposition of the application.

(ii) When the license shows a call sign selected by the vanity call sign system, the application must be filed as specified in Section 97.19(b).

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W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #6

February 15, 1995

KV4FZ'S HAM RENEWAL DESIGNATED FOR HEARING

The FCC is holding up the renewal of Herb Schoenbohm's Extra Class operator and KV4FZ amateur station licenses (which expired March 2, 1994) pending a determination as to:

1. whether he is qualified to remain an amateur licensee in light of his criminal conviction, and;
2. "...whether granting Herbert L. Schoenbohm's application would serve the public interest, convenience and necessity."

KV4FZ is allowed to operate until the FCC makes a decision regarding the renewal.

Two years ago, Schoenbohm was convicted in federal court for the District of the Virgin Islands for fraudulently making interstate telephone calls in 1987 through the use of misappropriated access codes. The District Court sentenced KV4FZ to two months in jail and fined him \$5,000. The imprisonment was later suspended and Schoenbohm was placed under house arrest for two months to be followed by a two year probation. He began serving his home confinement sentence on January 11, 1993. Schoenbohm said he still has not paid the fine.

KV4FZ appealed, but the U.S. Court of Appeals for the Third Circuit upheld the conviction on July 22, 1994. A petition filed by Schoenbohm for a rehearing was denied by the Third Circuit on November 2, 1994.

The FCC's *Hearing Designation Order* (sent to KV4FZ on January 30, 1995 by Certified Mail) raises the question as to whether he has the appropriate character qualifications to remain an amateur service licensee in view of his criminal conviction.

"Certainly, his conviction for fraudulently using a counterfeit access device (to obtain long distance telephone service) is relevant to evaluating the likelihood that he will comply with the Commission's Rules as a licensee in the amateur service," the *Order* says.

We spoke to Schoenbohm last week (February 7th) and he said he still has not received the hearing paperwork but he "...has heard about it. If I receive it, I will fight it, because it is absolutely absurd."

"A felony conviction does not prevent you from holding an amateur license," he said. "If you are talking about someone's character, then you have all kinds of characters on ham radio. Even mentally ill people are not barred from holding ham tickets. All this is, is a hit by the Commission on behalf of the Intercontinental Phone Patch Net."

According to net manager Ruth Hoffman, N4LMC, of Clearwater, FL, the 20-meter Intercontinental Net has no membership. "The net exists as a contact frequency for amateurs around the world as well as to handle third party traffic where permitted. We also serve as a meeting place for emergency communications."

It's certainly well known that KV4FZ has had a long standing feud with both the Intercontinental Network and the Maritime Mobile Net. Schoenbohm has been very vocal about what he terms their illegal commercial use of the amateur airwaves.

KV4FZ believes the Intercontinental Network manager lobbied the FCC to issue the hearing designation order on the basis that people convicted of a crime should not be authorized to hold an amateur license. Ruth Hoffman, N4LMC denies this. She said she did not even know that the hearing order on KV4FZ's ham ticket renewal was to be issued and did not participate in its release.

KV4FZ told us he "...does not cause interference, does not harass the net, does not jam, ...and does not make unidentified transmissions. I merely state my case. Amateur radio is a public venue."

Hoffman takes strong issue with that statement. She said "Mr. Schoenbohm has been heard on numerous occasions disguising his voice and making snide remarks on the air. He operates one KC above the net and knowingly commits interference. And he has interrupted several legal phone patches by his alleged accusations of illegalities which are simply not true."

NUMBER OF NEW MEMBERS INCREASE AT ARRL

Statistics and charts given out at a hospitality room hosted by the American Radio Relay League for members of the Amateur Radio Industry Group during the Miami Hamboree (Feb. 3rd) indicate that League membership is at an all time high.

20,611 new members joined the League in 1994 increasing its membership from 170,739 to 172,462. (That would also seem to indicate that 18,888 failed to continue their ARRL membership.) A Ten Year History chart shows that after a membership decrease in 1990, the League showed steady increases during the subsequent four years beginning in 1991.

The Codeless Technician license class, which began in early 1991, seems to not only have had a very positive impact on the number of ham radio operators, but also on the American Radio Relay League.

The League also distributed an Industry Survey questionnaire entitled "What can the ARRL do to help you?" One of the questions had two parts: "How important to your company is lowering the exam code speed to get more new people licensed?" and "If you believe lowering the code speed is very important, do you think the ARRL should work to lower the speed for the General Class exam?" That question is obviously in response to an industry suggestion that lowering the General Class code speed to 10 words-per-minute would increase the number of HF operators.

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #7

February 15, 1995

AMATEUR RADIO CALL SIGNS

...issued as of the first of February 1995:

Radio District	Gp. "A" Extra	Gp. "B" Advan.	Gp. "C" Tech/Gen	Gp. "D" Novice
Ø (*)	AAØVS	KGØTJ	(***)	KBØQVG
1 (*)	AA1MB	KD1ZH	N1UFI	KB1BNN
2 (*)	AA2VU	KG2AP	(***)	KB2TLZ
3 (*)	AA3KC	KE3RA	N3UIZ	KB3BGK
4 (*)	AE4CX	KS4MX	(***)	KE4VDD
5 (*)	AC5AH	KK5JD	(***)	KC5MKA
6 (*)	AC6AH	KO6PF	(***)	KE6QOX
7 (*)	AB7HT	KJ7JB	(***)	KC7IQZ
8 (*)	AA8SA	KG8OO	(***)	KB8WQX
9 (*)	AA9NS	KG9AJ	(***)	KB9JCR
N.Mariana Is.	KHØQ	AHØAN	KHØDQ	WHØAAX
Guam	WH2J	AH2CZ	KH2NB	WH2ANG
Johnston Is.	AH3D	AH3AD	KH3AG	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6NU	WH6ZY	WH6CSL
Kure Is.			KH7AA	
Amer. Samoa	AH8M	AH8AH	KH8CF	WH8ABB
Wake W.Peale	AH9C	AH9AD	KH9AE	WH9AAI
Alaska	(**)	AL7PW	WL7ZY	WL7CKG
Virgin Is.	WP2Q	KP2CD	NP2HY	WP2AHV
Puerto Rico	(**)	KP4YM	(***)	WP4MWC

* =All 2-by-1 "W" prefixed call signs assigned.

** =All Group A (2-by-1) format call signs have been assigned in Hawaii, Alaska and Puerto Rico.

***=Group "C" (N-by-3) call signs have now run out in all areas except the 1st and 3rd radio districts.

[Source: FCC, Gettysburg, Pennsylvania]

ARRL COMMENTS ON MILLIMETER WAVE PROPOSAL

The American Radio Relay League has filed comments on the FCC's announced intention to permit use of radio frequencies above 40 MHz for new radio applications. ET Docket 94-124 proposes to make available a total of 16 GHz of spectrum in the frequency range between 47.2 GHz and 153 GHz for commercial use, on a shared basis with existing and future government users and 2 GHz of spectrum in the 40.5 to 42.5 GHz band for non government users.

The purpose of the proceeding is to create opportunities for short-distance wireless radio systems which in the past have had available for such purposes only coaxial and fiber optic cable. Such systems could support many short-range applications that require high bandwidth and high data transfer rates.

The ARRL said that the Commission's goal is admirable since the National Information Infrastructure (NII), which is formed around data communications systems and their interconnection, requires short distance linking.

In addition, the Commission wishes to provide for vehicular field disturbance sensor systems at 76-77 GHz, as part of the Intelligent Vehicle Highway Systems (IHVS) currently being developed by automotive manufacturers.

IHVS seeks to reduce congestion and improve vehicle safety by plugging drivers and smart cars into an interactive highway. Americans burn up \$100 billion annually in wasted time and fuel sitting in traffic. Smart cruise (radar assisted) controls could keep traffic moving smoothly and curtail rear end collisions.

"The Amateur Service has pioneered certain consumer uses of high-rate, wireless interconnected packetized computer systems, especially wireless access to information systems, and recognizes the undeveloped potential which cannot be realized by coaxial and fiber-optic cable systems alone. Use of the millimeter-wave bands for vehicular, especially anti-collision radar and similar applications, is also in the public interest," the League said.

The League pointed out that amateurs have, for years, been allocated numerous segments for experimentation in the 6 mm band (47.0-47.2 GHz), the 4 mm band (75.5-81.0 GHz), the 2.5 mm band (119-98-120.02 GHz), the 2 mm band (142-149 GHz), the 1 mm band (241-250 GHz) and all frequencies above 300 GHz. The ARRL said the Amateur Service is most interested in protecting future use of the 4 mm allocation, and in avoiding undesirable sharing partners.

It took issue with a 1993 General Motors Research Corporation petition (RM-8308) that contended the 76-77Hz band is not currently used by amateur operators. ARRL said that amateur use of the 76-77 GHz band may not significant at the present time, but that the band had potential for amateur short-range, high-speed data communications in the future. The League felt strongly that the FCC should not make any allocation decision based on assumptions about the current level of amateur use of the 4 mm band.

As long as the FCC "...proposes no change in the allocations or service rules for the Amateur Service at 76-77 GHz; and provided that there is no change proposed whatsoever for the 75.5-76 and 77-81 GHz segments, the League does not oppose the proposed use of the 76-77 GHz band for Intelligent Vehicle Highway System (IHVS) radars."

- No formal SAREX (Shuttle Amateur Radio Experiment) activity was planned for the STS-63 mission even though astronauts **Mike Foale, KB5UAC, Janice Voss, KC5BTK** and **Vladimir Titov, U1MIR** were on board the Shuttle Discovery. STS-63 was a dress rehearsal for next month's shuttle docking with MIR. STS-67 will have six U.S. ham operator astronauts on board and feature extensive SAREX contacts.

K1MAN STATUS CHECK REVEALS FCC ENFORCEMENT LIMBO

On-air discussions, nets, Internet postings and letters to the FCC have highlighted a renewed campaign to prompt the agency to take action against Glenn Baxter, K1MAN. Baxter is the Belgrade Lakes, Maine operator of the International Amateur Radio Network (IARN), which broadcasts recorded programming on HF amateur frequencies several hours a day.

Long controversial in the Amateur Service, Baxter's broadcasts are considered First Amendment speech by some and interfering spectrum waste by others. The FCC has been displeased with K1MAN's on-air operations. Three forfeitures (fines) that total more than \$3000 have been pending against him since 1990. He has yet to pay the forfeitures.

Years of FCC deliberations and an unusual court decision last year have combined to create lengthy delays in action against Baxter. We wonder whether he will be subject to meaningful FCC action soon, unless perhaps he is found in continued violation - yet it still would be subject to the overloaded Compliance and Information Bureau and its cumbersome procedures.

However, changes in the FCC's forfeiture process are expected to create a more effective system for fining violators. It will be more straightforward than today's system, and we are told it will extract money faster from violators who owe the government.

Background

In Oct. 1990 Baxter received a *Notice of Apparent Liability* (NAL) from the FCC for causing interference to a QSO in progress and for repeated violations of the amateur rules against broadcasting.

He responded with arguments that did not satisfy the agency, as explained below. The NAL turned into a Notice of Forfeiture (NOF) in this November, 1990 letter from Barry A. Bohac, Engineer in Charge of the FCC's Belfast, Maine office (excerpts): QUOTE

To: Glenn A. Baxter, K1MAN
Long Point Lodge, Belgrade Lakes, Maine 04918

Dear Sir:

I have reviewed your request for cancellation of Notice of Apparent Liability, dated October 24, 1990. I find no merit in your contention that because your definition of broadcasting "is quite different from the Commission's" that you were not engaged in broadcasting. I also find no merit in your contention that because you may have published a schedule, that you were subsequently allowed to interfere with ongoing communications.

Your are hereby ordered to pay a forfeiture of \$1500.00. This is in full payment of the apparent liability brought to your attention by written notice dated September 21, 1990, and incurred by you as a result of your broadcasting on Amateur Service radio frequencies and as a result of your interfering with amateur communications in progress by broadcasting on

the same frequency. The payment must be made within 30 days of the date of this notice. END QUOTE

Baxter filed an *Application for Review*, a type of appeal which required the Compliance and Information Bureau to review Mr. Bohac's action and determine whether it was correct.

More than four years later, the Bureau has still not finished this review. FCC staff would not offer a date when their review would be completed. Moreover, even if the Bureau does find the forfeiture correct, Baxter can still appeal that decision to the five Commissioners, introducing even more delay.

FCC staff cautioned that interest by the ham press in the Baxter case would not cause the case to move any faster -- because that would be "unfair" to persons whose cases are even older.

But wait, there's more

Baxter later received two more Notices of Forfeiture for other violations. He did not request review of these NOFs.

The FCC forwarded these two forfeitures to the Office of the U.S. Attorney for collection. The U.S. Attorney's procedures require a trial in which the FCC must prove its case from the beginning. No trial took place. An unexpected court decision in 1994 (U.S. Telephone Association vs. FCC) invalidated all pending FCC forfeitures (those not still under review). Baxter's two later forfeitures came under this invalidation.

They were returned to the FCC. The Commission is, according to the Court's decision, supposed to review them again and come up with different reasoning on which to base the particular amounts of the fines.

This has not yet occurred with the K1MAN fines. By the time it does, the five-year statute of limitations may expire. For this reason, we think there is a good chance the FCC may decline to re-examine the forfeitures. Thus, two of the three forfeitures could well evaporate without payment.

If Baxter appeals the last remaining Notice of Forfeiture (November 1990) to the full Commission, and if it turns down that appeal, the forfeiture would go to the U.S. Attorney's office -- which would have to conduct a trial in order to collect the money. We understand that the load of serious cases before the Attorney makes the scheduling of such a trial something less than speedy and automatic.

According to the FCC staff, since this is a high profile case, the chances are greater that the Commission could persuade the U.S. attorney to move on it. A few FCC forfeiture cases are prosecuted every year.

Looking to the future

Understandably, the FCC staff are interested in alternatives to this system. A new system now being

developed would enable FCC Administrative Law Judges to rule promptly on violation matters. These Judges are apparently not fully employed presently, because certain broadcast license hearings which they used to handle are suspended.

The FCC would like to put them to work dispatching enforcement cases and reducing the involvement of the Justice Department. Under this proposed system, after the FCC Judge decides a case, the U.S. Attorney would proceed immediately to force payment without the need for a trial.

Meanwhile, as we went to press, the FCC adopted a *Notice of Proposed Rulemaking* in CI Docket 95-6 to take public comment on its list of forfeitures for various violations, and on "any matter germane" to the system of forfeitures. Comments are due March 27, 1995 and replies due April 17, 1995.

FCC MOVES ON HAM UHF AND MICROWAVE BANDS

The FCC has granted the Amateur Service primary status in two bands and placed new restrictions on ham operations in a third.

At its Feb. 7 meeting, the Commission allocated the 2390-2400 MHz band for use by unlicensed data Personal Communications Service devices (Data-PCS). These devices, which represent a new generation of short-range wireless local-area network, have been promoted at the FCC for several years by computer companies including Apple, Compaq, IBM and Microsoft.

The Amateur Service, however, was granted primary status in this band and which will be shared with Data-PCS products. Data-PCS will not be permitted to interfere with Amateur operations, and will not have recourse against interference from ham operations.

However, computer company officials we talked to were optimistic that their low-power products would have little impact on Amateur band use. The FCC apparently agreed, and selected Data-PCS as the application least likely to injure the Amateur Service. Data-PCS is required to follow recently-developed FCC hardware rules that impose listen-before-talk and other mechanisms to reduce interference and ensure fair access to the spectrum.

The FCC also provided for continued use of the 2402-2417 MHz band by unlicensed devices operating in accordance with Part 15 of the Rules. These Part 15 devices include cordless phones and other types of wireless data products not required to follow the Data-PCS rules. The FCC granted Amateur Radio primary status in this band as well.

Also, the FCC allocated the band 4660-4685 for Fixed and Mobile services. This spectrum is subject to a further public notice and comment period to be announced later.

The Commission stated that this total of 50 MHz in three bands is the first of at least 200 MHz of spectrum required to be reallocated from Federal Government to private sector use in accordance with the Omnibus Budget Reconciliation Act of 1993. The Budget Reconciliation Act of 1993 required the Commission to adopt allocations for and propose regulations to assign this first 50 MHz of spectrum by Feb. 10, 1995.

"Among other things, these services will allow companies to operate more efficiently by communicating through wireless networks that are flexible enough to operate almost anywhere," the FCC said. "They also will allow low cost access to Internet services and other information networks for schools, libraries, telecommuters and home offices. In addition, these services will allow for better health care through wireless health care monitoring devices and allow the instantaneous updating of health care records and databases."

In a long-awaited decision on the 902-928 MHz band on February 6, the FCC established a complex system of allocations and restrictions on:

- Automatic Vehicle Monitoring systems - now called the *Location and Monitoring Service* (LMS) and used to locate cars and other objects and to read data tags on products and shipments;
- Part 15 unlicensed devices that operate in this band;
- and radio amateurs. We strongly recommend that amateurs operating in the 902-928 MHz spectrum familiarize themselves with the new rules governing this band, in PR Docket 93-61.

ARRL petition denied

In a related matter, last year, the American Radio Relay League petitioned the FCC to allocate 902-904 and 912-918 MHz to Amateur Radio on a primary basis. In its 902-928 MHz decision, the FCC concluded that:

"Although the ARRL states that there has been 'rapid increases in amateur use,' that 'the Amateur Radio Service is increasingly looking to the 902-928 MHz band,' and that 'amateur use has been growing,' the only quantitative support that it provides is that there are 16 known manufacturers of amateur equipment for this band and that there are 20 amateur stations in Rochester, New York using the band.

"There are, on the other hand, a large number of various uses of this band with quantitatively known combined (and competing) requirements. They include the existence of more than 4 million Part 15 devices and 500,000 non-multilateration *Location and Monitoring Service* tag readers.

"ARRL's petition thus fails to adequately justify a change in the allocation status for the Amateur Radio Service in any portion of this band."

FCC PROPOSES LEGISLATIVE & INTERNAL CHANGE

On February 1, the FCC released a special report to the Commissioners and the Congress that documents the FCC's attempt to "reinvent" itself. Titled "Creating a Federal Communications Commission for the Information Age," and authored by Mary Beth Richards, the document reviews the many recent structural changes to the FCC and proposes new legislation intended to streamline agency activities.

The report is highly self-congratulatory, containing numerous praises for the agency and painting a picture -- which we believe partially, but not completely accurate -- of an agency transforming itself to become more responsive to the public.

The FCC is no longer one of the most technologically-backward agencies. Though once ridiculed as one of the few agencies without touch-tone telephones, the FCC now has hundreds of PCs (desktops and laptops), laser printers, Windows-based LANs, voice mail and Internet mail (though FCC staffers frequently grumble that they are not permitted access to all the Commission's own Internet services to the public, such as its World Wide Web server.) The FCC receives more than 4,000 Internet messages each week. And it has touch-tone telephones at last.

The report points out the new customer service standards at the FCC's Gettysburg license processing plant: Phone calls are supposed to receive a response within one business day; callers are not to be transferred more than twice, or the staff will obtain the answer at the second transfer and call back; it will provide status information on license applications and try to resolve errors in applications by telephone.

Yet another improvement includes the FCC's proposal to eliminate entirely the process of certifying personal computers for market. Under the current system, manufacturers of PCs must submit example products and mounds of paperwork to the FCC Laboratory.

The process is said to cost the industry \$250 million annually. In the new process, manufacturers will pay independent labs to test their products and will retain the test records. The FCC will make no more grants of certification to computers if the proposal is adopted; we think it will be applauded by computer makers.

Congressional action requested

For some of the changes the FCC wants to make, Congress must amend the Communications Act.

For example, the FCC asked the Congress for permission to auction more spectrum in more radio services. Currently, the FCC is allowed only to auction licenses in services that charge fees to the public. The

FCC even seeks to auction telephone numbers such as 800 toll-free numbers and phone numbers for mobile telephone services - a request that earned an immediate rebuke from trade associations for the wireless industry.

Another FCC proposal would "...eliminate conflict-of-interest provisions for publishers to broaden the category of those authorized to administer Amateur Radio Service examinations and eliminate burdensome record maintenance and annual financial certification requirements. This would streamline the Amateur Radio examination process, make a greater variety of entities eligible to administer the tests, and eliminate numerous filings with the Commission," the report said.

A proposal unlikely to be welcomed by General Mobile Radio Service licensees is the FCC's request to Congress for the power to eliminate licensing in the Personal Radio Services -- namely, the GMRS as the only such service to which such legislation would apply; and the proposed Family Radio Service that aims to use GMRS spectrum.

"The FCC's effort to delicense the GMRS flies in the face of years of experience," according to a statement by Corwin D. Moore, Jr., WB8UPM, of the Personal Radio Steering Group, representing GMRS users. "That experience demonstrates that personal and family communications must receive protection from interference from commercial interests. These interests threaten to completely overrun the very limited spectrum available in this service. We have seen no proposal that any process other than station licensing and rigorous enforcement can accomplish this protection.

"GMRS users around the country, including many providing vital public service communications in their local communities, are outraged at this latest indication of the FCC's cavalier treatment of this service. GMRS licensees are working with us to ensure that the FCC and Congress understand that meaningful protection must be retained."

Among the FCC's recommendations for **internal change** - changes that would not require Congressional action - are these:

- Allow radio amateurs to change mailing address by letter or electronic mail.
- Make the effective date of FCC actions the date the item is released to the Internet.
- Extend the term of experimental licenses from one to three years.
- Privatize the process of coordinating frequencies for HF broadcast stations.
- Relax the requirement for spread spectrum transmitters to reduce transmit power when using a directional antenna.