

W5YI

Nation's Oldest Ham Radio Newsletter

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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Vol. 17, Issue #11

\$1.50

PUBLISHED TWICE A MONTH

June 1, 1995

FCC Proposes Several Part 97 Rule Amendments

On May 8, 1995, the FCC released a Notice of Proposed Rulemaking that dealt with several rule changes that have been requested by members of the amateur service community.

(1.) On July 15, 1993, the National Conference of Volunteer-Examiner Coordinators (NCVEC) filed petitions RM-8301 for amendment of the rules to provide for a volunteer-examiner (VE) on site manager at license examination sessions.

(2.) On January 6, 1994, the American Radio Relay League asked that a former licensee be allowed to obtain a new amateur operator license without passing the requisite qualifying examinations. (RM-8418)

(3.) On April 4, 1994, the ARRL requested that the rules be amended to increase to four persons the minimum number of members required to constitute an organization eligible for a club station license. (RM-8462)

(4.) The FCC also proposed rules for a new special event station vanity call sign system and;

(5.) ...a rule amendment that would provide licensees with greater flexibility when an amateur station is using self-assigned indicators with their call sign.

DESIGNATION OF THE VE SESSION MANAGER

The National Conference of Volunteer-Examiner Coordinators (NCVEC) has asked the FCC for a rule change that would provide for a volunteer

examiner (VE) on-site manager at license examination sessions. In 1994, amateur radio examinations were administered to 106,670 persons. The number of examinees at any one session varies from one to several hundred. In 1994, the average was nine examinees.

Although the volunteer-examiner coordinator (VEC) system - now in its twelfth year of operation - is an outstanding success, NCVEC requests that the VE session manager be recognized in the rules as the person in charge of the session.

Often there are examinees at the session who are seeking a class of license that requires examination in more than one element. The requirements for the six classes of amateur operator license consist of passing one or more of the eight different examination elements. (See Section § 97.501.)

Where there are many examinees, the VE session manager increases examination efficiency by organizing as many VEs as necessary into teams with each team administering a particular element. The ARRL commented that the current requirement for three VEs to administer each examination ensures the integrity of the examination system. The ARRL also believes that placing the responsibility for the propriety of the examination on one person only dilutes the joint and several liability of all three VEs.

The activities of the ARRL are separate from the ARRL/VEC. The ARRL/VEC has made a

persuasive showing to the Commission that preventative measures have been taken to preclude any possible conflict of interest with the ARRL which publishes and distributes materials used to obtain an amateur operator license. See Section 97.521(e.)

"We propose to amend the rules to recognize the role of the VE session manager as the person who plans, keeps records, organizes and supervises the activities of the administering VEs at each session. In our 1993 Financial Inquiry, we solicited information from sixty VEs. The responses of the VEs indicate that many VEs have organized themselves into teams locally and that a team tends to answer to the leader.

The team leader is often the only VE who is reimbursed and maintains records. [See letter of April 15, 1994, from Chief, Personal Radio Branch to sixty VEs.] We also propose that each examination element continue to be administered by at least three VEs. Section 97.509(a) of the Commission's Rules currently requires each examination to be administered by three VEs.

The presence of at least three VEs will provide the VEC with first-hand observers who can monitor the performance of the VE session manager and the other VE(s). This will preserve the cross-checking favored by the ARRL, while recognizing the role of the VE session manager as requested by NCVEC."

Section 97.3 is to be revised to read as follows:

§ 97.3 DEFINITIONS

(47) VE session manager. The VE designated by the administering VEs to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur operator licenses are administered.

Section 97.509(a) is to be revised to read as follows:

§ 97.509 ADMINISTERING VE REQUIREMENTS

(a) Each examination element for an amateur operator license must be administered by at least 3 administering VEs at an examination session. There must be a VE session manager who is in attendance during the entire session.

A new Section 97.515 is to be added to read as follows:

§ 97.515 VE SESSION MANAGER REQUIREMENTS

(a) The VE session manager must be accredited as a VE by the same VEC that coordinates the examination session.

(b) Before each examination session, the VE session manager must make a public announcement stating the location and the time of the session. The number of examinees may be limited.

(c) The VE session manager is responsible for super-

vising the activities of the administering VEs and the conduct of the examinees. The VE Manager may serve concurrently as an administering VE.

(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs and the examination elements administered by each VE.

EXAMINATION CREDIT

The American Radio Relay League's goal in submitting a Petition for Rule Making (RM-8418) was to encourage former amateur operators to become involved again in the technical self-training and public service communications opportunities provided by the amateur service.

The ARRL believes that former license holders whose interest is rekindled should be permitted to re-enter the amateur service without examination. The FCC said "We believe that the ARRL's position has merit. Former license holders previously passed examinations demonstrating that they qualified for the class of operator license held. Further, this proposal would relieve the VE's from the burden of preparing and administering examinations for former license holders."

The FCC proposed to authorize administering VE's to give examination element credit for any examination that the applicant previously passed in obtaining the former license.

The Commission also asked for comments concerning the criteria that we should use to allow any other qualified persons similarly situated (such as former and current holders of other types of operator licenses issued by the Commission, other United States government agencies, and foreign governments) to obtain examination credit, without examination for amateur operator licenses.

Section 97.505 is revised by redesignating paragraph (a)(10) as paragraph (a)(11) and adding new paragraph (a)(10) to read as follows:

§ 97.505 ELEMENT CREDIT

(a)(10) An expired FCC-issued amateur operator license. The least elements required for the operator license formerly held. No examination credit will be given if the operator license was suspended for the remainder of the license term. If the operator license was surrendered to avoid enforcement proceedings, or if the operator license expired following revocation of the associated station license. Examination credit, however, will be given if the suspension period of the operator license was subsequently modified to denote a lesser time period.

ELIGIBILITY FOR A CLUB STATION LICENSE

The American Radio Relay League believes that it is important for the FCC to determine that applicants for a club station license are legitimate clubs and not just persons pursuing an additional call sign. ARRL petition RM-8462 recommends that a minimum of four members be required.

The current rules, Section §97.5(b)(2), currently requires a club to be composed of at least two persons. The ARRL states that only 10 of its 1,957 affiliated clubs have less than a minimum of four members.

The FCC agreed saying "We believe there is merit to ARRL's suggestion. Requiring four members, rather than two, would assist in ensuring that radio clubs are bona fide organizations. Accordingly, we propose to increase the eligibility requirement to four persons for a club station license."

Section 97.5(b)(2) is revised to read as follows:

§ 97.5 STATION LICENSE REQUIRED

(b) The types of station licenses are:

(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license is printed on FCC Form 660.

SPECIAL EVENT VANITY CALL SIGN SYSTEM

The FCC said when they adopted rules to implement Vanity Call Signs (PR Docket No. 93-305) that they would be setting aside the one-by-one call sign block for special event call signs.

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. The FCC addressed special event vanity call signs in this NPRM.

In its comments concerning the vanity call sign system, the American Radio Relay League had requested that one-by-one call signs be reserved for assignment to stations operating in conjunction with short-term events of national significance. A special event vanity call sign system will meet the needs of amateur operator for temporary operation of their stations during events that are of special significance to the amateur service community.

The FCC said stations wishing to obtain a special event call sign would be required to indicate the nature of the event at least 120 days in advance and certify that it is of special significance to the amateur service community. In addition, the licensee would submit a list of one-by-one format call signs, in the order of preference.

This list could be included in a letter or be on a form prepared by the applicant or supplied by an outside source. Unlike ten year term vanity call signs which are scheduled to cost \$70, special event vanity call signs are proposed to be free. The first assignable call sign on the list would be stamped "granted" and a copy of the list would be returned to the person making the request.

The special event vanity call sign could be used for a period not to exceed that of the special event, or for 15 days, whichever is less. The FCC asked that the amateur community comment on this proposed special event vanity call sign system.

Section 97.3 is to be revised to read as follows:

§ 97.3 DEFINITIONS

(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 on the licensee's mailing address and operator class. The call sign is shown on the license.

(ii) Special event 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 request. It is temporarily substituted for the call sign shown on the license while the station is transmitting in conjunction with an event of special significance to the amateur service community.

(iii) 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.

Section 97.19(a) is to be revised and new paragraph (e) is added to read as follows:

§ 97.19 APPLICATION FOR A VANITY CALL SIGN OR A SPECIAL EVENT STATION 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 or the special event call sign system. RACES and military recreation stations are not eligible for a vanity call sign or a special event station call sign. (e) Each request for a special event station call sign must be received at the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245 at least 120 days prior to the special event.

- (1) The request must include:
 - (i) The licensee's name, address, and primary station call sign.
 - (ii) A signed statement indicating the nature of the event and certifying that it is of special significance to the amateur service community.
 - (iii) The time period during which the special event station will operate. In no case will the period exceed that of the special event, or 15 days, whichever occurs first.
 - (iv) A list from the person making the request of one-by-one format call signs, in order of preference.
- (2) The first assignable call sign from the list will be indicated on the request, that call sign will be stamped GRANTED, and a copy of the list showing the call sign granted will be returned to the person making the request. The call sign will be selected from those call signs assignable at the time the request is processed by the FCC.

SELF-ASSIGNED INDICATORS

The FCC said it has received several informal requests for clarification of Section 97.119(c) of the Part 97 rules. This section concerns station identification. Paragraph (c) provides "An indicator may be included with the call sign. It must be separated from the call sign by the slant mark or by any suitable word that denotes the slant mark. If the indicator is self-assigned, it must be included after the call sign and must not conflict with any other indicator specified by the FCC Rules or with any prefix assigned to another country."

The FCC said it is getting requests to include a self-assigned indicator before rather than after the assigned call sign as provided in the current rule. For example, the licensee of amateur station W1AA in Boston, Massachusetts, decides to operate the station while vacationing in the Virgin Islands.

In order to direct more attention to the station, the licensee may include a self-assigned indicator such as /KP2, in the station identification announcement. (Stations located in the Virgin Islands are normally assigned a call sign with the prefix KP2, NP2 or WP2) The call sign given in the station announcement therefore, would be W1AA/KP2.

The FCC said "We propose to permit also the station announcement KP2/W1AA and KP2/W1AA/KP2.

We believe that allowing indicators to be included before, after or both before and after, the assigned call sign will provide the amateur service community better flexibility when making the station identification announcement. We propose, therefore, to amend the rule accordingly.

Section 97.119(c) is to be revised to read as follows:

§ 97.119 STATION IDENTIFICATION

(c) One or more indicators may be included with the call sign. Each indicator must be separated from the call sign by the slant mark (/) or by any suitable word that denotes the slant mark. If an indicator is self-assigned, it must be included before, after, or both before and after, the call sign. No self-assigned indicator may conflict with any other indicator specified in this section or with any prefix assigned to another country.

How to file comments on this matter

Interested parties may file comments on or before July 14, 1995, and reply comments by August 14, 1995. To file formally in this proceeding, you must file an original and four copies of all comments and reply comments. (Informal comments require an original and one copy.) If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. Send to: Office of the Secretary, Federal Communications Commission, 1919 M Street NW, Washington, DC 20554.

There is no required format for informal comments, although if you plan to file formally, it is required that they be typed, double spaced, and on 8.5" x 11" paper. The Docket Number (in this case: WT 95-57) should be included in your comments. Be sure to include your name and complete mailing address. Your comments should state who you are and what your specific interest is.

State your position and the facts directly, as thoroughly but as briefly as possible. Explain your position as it relates to your experience and be explicit. Make clear if the details of the proposed rule (or only one of several provisions of the rule) are objectionable. If the rule would be acceptable with certain safeguards, explain them and when they are necessary.

Statements of agreement or dissent in comments should be supported to the best extent possible by factual (studies, statistics, etc.), logical, and/or legal information. Support must illustrate why your position is in the public interest. The more support made, the more persuasive the comments will be.

Comments may be of any length, although it is preferred that they be brief and direct. If formal comments are longer than ten pages, it is required that they contain a summary sheet.

AMATEUR SEQUENTIAL CALL SIGN SYSTEM

A unique call sign is assigned to each amateur station during the processing of its license. The station is re-assigned its same call sign upon renewal or modification of its license, unless the licensee applies for a change to a new call sign (FCC Form 610.)

Each new call sign is sequentially selected from the alphabetized regional-group for the licensee's operator class and mailing address. The mailing address must be one where the licensee can receive mail delivery by the United States Postal Service.

Each call sign has a one letter prefix (K, N, W) or a two letter prefix (AA-AL, KA-KZ, NA-NZ, WA-WZ) and a one, two, or three letter suffix separated by a numeral (1-0) indicating the geographic region. Certain combinations of letters are not used. When the call signs in any regional-group list are exhausted, the selection is made from the next lower group. The groups are:

GROUP A For primary stations licensed to:

Amateur Extra Class Operators

Regions 1 through 10: (Call sign areas 1-0)

1. Prefix K, N or W, numeral 1-0, and two letter suffix (AA-ZZ)
2. Two letter prefix (AA-AK, KA-KZ, NA-NZ, WA-WZ), numeral 1-0, and one letter suffix (A-Z). [See Note No. 1]
3. Two letter prefix (AA-AK), numeral 1-0, and two letter suffix (AA-ZZ).

Region 11: (Alaska)

Prefix AL, KL, NL, or WL, numeral 1-0, and one letter suffix (A-Z). [See Note No. 2]

Region 12: (Atlantic/Caribbean Area)

Prefix KP, NP, or WP, numeral 1 (Navassa Island), numeral 2 (Virgin Islands), numeral 3 or 4 (Puerto Rico), numeral 5 (Desecheo Island) and one letter suffix (A-Z). [See Note No. 3]

Region 13: (Hawaii and Pacific Insular Areas)

Prefix AH, KH, NH, or WH, numeral 6, except Hawaii: 6 or 7 and one letter suffix (A-Z). [See Note No. 4 for additional numbered areas.]

GROUP B For primary stations licensed to:

Advanced Class Operators

Regions 1 through 10: (Call sign areas 1-0)

Two letter prefix KA-KZ, NA-NZ or WA-WZ, numeral 1-0, and two letter suffix (AA-ZZ). [See Note No. 1]

Region 11: (Alaska)

Prefix AL, numeral 1-0, and two letter suffix (AA-ZZ). [See Note No. 2.]

Region 12: (Atlantic/Caribbean Area)

Prefix KP numeral 2, 3, or 4 and one letter suffix (A-Z). [See Note No. 3.]

Region 13: (Hawaii and Pacific Insular Areas)

Prefix AH, numeral 6, except Hawaii: 6 or 7 and two letter suffix (AA-ZZ). [See Note No. 4.]

GROUP C For primary stations licensed to:

General, Technician & Tech Plus Class

Regions 1 through 10: (Call sign areas 1-0)

One letter prefix K, N or W, numeral 1-0, and three letter suffix (AAA-ZZZ).

Region 11: (Alaska)

Prefix KL, NL, or WL, numeral 1-0, and two letter suffix (AA-ZZ). [See Note No. 2.]

Region 12: (Atlantic/Caribbean Insular Areas)

Prefix NP or WP, numeral 2, 3, or 4 and two letter suffix (AA-ZZ). [See Note No. 3.]

Region 13: (Hawaii and Pacific Insular Areas)

Prefix KH, NH, or WH, numeral 6, except Hawaii: 6 or 7 and two letter suffix (AA-ZZ). [See Note No. 4.]

GROUP D For primary stations licensed to:

Novice, Club & Military Recreation Stations

Regions 1 through 10: (Call sign areas 1-0)

Two letter prefix KA-KZ or WA-WZ, numeral 1-0, and three letter suffix (AAA-ZZZ). [See Note No. 1 and Note No. 5.]

Region 11: (Alaska)

Prefix KL or WL, numeral 1-0, and three letter suffix (AAA-ZZZ). [See Note No. 2.]

Region 12: (Atlantic/Caribbean Insular Areas)

Prefix KP or WP, numeral 2, 3, or 4 and three letter suffix (AAA-ZZZ). [See Note No. 3.]

Region 13: (Hawaii and Pacific Insular Areas)

Prefix KH or WH, numeral 6, except Hawaii: 6 or 7 and three letter suffix (AAA-ZZZ). [See Note No. 4.]

Note No. 1: The following two letter AH, AL, KH, KL, KP, NH, NL, NP, WH, WL, and WP prefixes are excluded and designated for non-contiguous USA stations.

Note No. 2: No longer will Alaskan stations be limited to just region numeral 7. All numerals 1 - 0 will now be issued.

Note No. 3: Puerto Rico now being issued numeral 3 in addition to 4. (Navassa Island continues with the numeral 1, Virgin Islands with 2, and Desecheo Island with 5.)

Note No. 4: Hawaii now being issued numeral 7 in addition to 6. Kure Island (which is one of the Hawaiian Islands) is assigned a two letter prefix followed by the numeral 7 and a suffix that begins with the letter K. (Other areas include: 1 indicates Baker or Howland Island; 2=Guam, 3=Johnston Island, 4=Midway Island, 5=Palmyra or Jarvis Island, 5 followed by the suffix letter K=Kingman Reef, 8=American Samoa, 9=Wake, Wilkes, or Peale Island and 0=Commonwealth of Northern Mariana Islands.)

Note No. 5: On all two-by-three format call signs, the letter "X" may not follow the digit. KA2XAA-KZ9XZZ and WA2XAA-WZ9XZZ are not assignable to amateur stations and are reserved for Experimental stations. [See Section § 2.302.]

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June 1, 1995

LET'S SAY GOODBYE TO THE FCC

That's the title of an advertisement in the May 16 Washington Post, placed by House Speaker Newt Gingrich's (R-Ga) Progress and Freedom Foundation. The organization's chairman is G. A. Keyworth, a former Reagan Administration science official. They are preparing to release a "detailed, step-by-step action plan to replace the FCC and overhaul the government's approach toward regulating the telecommunications industry."

The ad features a round "FCC" emblem with a diagonal strike through it like a traffic sign meaning "No FCC." The ad did not contain any specific recommendations but the Washington Post said in a May 4th article that it had an advance copy of the proposal. That headline was "Think Tank Plan Would Replace FCC,".

The Progress and Freedom Foundation, "a tax-exempt study group that airs Gingrich's weekly television show and produced the college course he taught until last month" wants the FCC formally dismantled on September 30, 1996.

It would be replaced by a new executive branch "traffic cop" agency known as the Office of Communications Policy. FCC staffing would be cut by ninety percent ...from 2,200 to no more than 250 people who would oversee the allocation of frequencies, supervise the activity of telephone companies, maintain technical standards, and settle disputes. Anti-trust and international matters would be transferred to the Justice and State Departments. Cable/telephone rate regulations and public affairs programming would be eliminated.

"Under the plan, broadcasters and other current holders of FCC licenses would be granted permanent claim to their licenses at no charge, while future licenses would be auctioned." We heard the strategy was to rely heavily on spread spectrum technology and its ability to allow open sharing of the airwaves.

Communications industry, consumer advocates and former and current FCC officials are calling the proposal "...naive ...unrealistic ...and totally nonsubstantive." The belief is that 250 people would not be close to being enough to manage frequency assignments, auction new licenses and ensure marketplace fairness.

Here are excerpts from the May 16th Washington Post advertisement:

"America...is saddled with a statutory and regulatory regime cobbled together in 1934 when AM radio was cutting edge. This outdated regime is preventing the emergence of the digital network that will connect our homes, businesses and schools. ...

"The U.S. regulatory system, conceived and designed for analog technologies available during the New Deal, is the greatest roadblock to our continued leadership in the information age.

"Since 1934, the world has witnessed a revolution in technology here and in space, but our regulatory system remains unchanged. Regulators, regardless of intentions, are enmeshed within a system whose underlying premises and overt structure prevents deployment of new technologies, products and services.

"To seize future opportunities and economic growth, we must abandon failed concepts of the past. Existing regulatory bodies must be replaced, including the Federal Communications Commission."

Strangely, the same Republican-led Congress that wants to scale down the FCC, also wants to pass telecommunications legislation that could dramatically increase the Commission's powers and responsibilities. But Rep. Jack Fields (R-Tex) chairman of the House subcommittee on telecommunications, says "...that replacing the FCC with a smaller office would not be at odds with [the] broad legislation he unveiled..."

The detailed action plan has yet to be officially released by the Progress and Freedom Foundation and we will report its contents in the W5YI Report as soon as it is available.

NEW LOOK TAKEN AT SATELLITE ANTENNA LAWS

After years of litigation and frustration by individuals and businesses seeking to install satellite receive antennas, the FCC has proposed to strengthen its rules that pre-empt local and state regulation in this area.

Present FCC regulations prevent the FCC from getting involved in a dispute over installation of a satellite antenna until the antenna owner has exhausted all other remedies. A number of times this has resulted in expensive and protracted cases pitting satellite dish owners against neighbors, zoning commissions and town and city councils.

"Petitioners and commenters offer substantial, detailed evidence that many local zoning restrictions are creating unreasonable barriers to the growth of satellite-based services," the FCC said in a new Notice of Proposed Rulemaking. Home owners frequently can't get permits to install their antennas.

"Because satellite antennas must have a 'line of sight' to the space station that is not blocked by buildings or vegetation, even residents who are able to obtain installation permits may be faced with placement restrictions that substantially impair reception. For example, some local ordinances only allow satellite antennas to be installed in a rear yard. Others require that antennas be set back a certain distance from the property line.

"Because trees or other terrain factors can obstruct the line of sight to all or a substantial number of satellites from the permitted locations, these

ordinances can limit or prevent reception from certain lots. In some cases, zoning codes contain no procedures for obtaining variances from such provisions. Even where variance procedures exist, they often result in cumbersome and expensive proceedings that burden the antenna user's access to satellite programming," the FCC said.

"Other commenters complain about excessive costs imposed by local authorities in connection with permit procedures. They state that fees for the permit itself are sometimes excessive and associated costs can be unduly burdensome, especially where ordinances require hearings, notification of neighbors, or the submission of highly detailed engineering, architectural, or landscaping plans. Requirements that antennas be 'screened' from view can require considerable landscaping expense. For example, one local jurisdiction attempted to impose a \$12,887.27 landscaping plan on a \$5,768 antenna installation. Although it was later reversed, the trial court ruled that this was not excessive because the value of the house involved was \$750,000. Still other jurisdictions require such extensive screening that antenna line of sight to some satellites is blocked."

The FCC's proposed new rules, in summary, enable the agency to pre-empt regulations against satellite antennas if the state or local government has denied all requests and appeals to allow installation of the antenna; if the request for a permit to install the antenna has been pending for 90 days; or if the permit will cost more than the antenna plus installation. State and local governments that still want to regulate satellite antennas must make detailed justifications, and they bear an especially heavy burden if they want to limit small satellite antennas.

"The National Association of Broadcasters (NAB) has requested that the Commission consider expanding the scope of its preemption to reach all communications facilities including broadcasting antennas," the FCC said. "The NAB asserts that by imposing restrictions, nonfederal authorities are, in effect, 'un-licensing' FCC licensed facilities.

"NAB provides details of difficulties that broadcasters have encountered in building antenna facilities and expresses concern that new technologies such as Advanced Television and terrestrial digital audio broadcasting may be difficult to implement if providers cannot put up new antennas. ...The American Radio Relay League also requests that the Commission clarify its amateur radio policies.

"We decline to expand the scope of this proceeding to include preemption of local regulation of all antennas. The focus of this proceeding is satellite earth stations and is based on a record detailing problems with satellite antennas. Expansion to other types

of facilities would be inappropriate.

"However, we note this should not be construed as approval of unreasonable local regulation of non-satellite antenna facilities. The Commission is committed to assist in the expansion of telecommunications in general. Local regulation that needlessly inhibits such expansion is contrary to our goals and policies."

Comments on the Notice of Proposed Rulemaking in IB Docket 95-59 are due July 14, 1995 and replies are due August 15, 1995.

MARCH AMATEUR LICENSING STATISTICS

March	1992	1993	1994	1995
First Time Licensed				
New Novices	1364	564	158	190
New Tech's	3347	3608	2805	3687
New Tech Plus	N/A	N/A	N/A	410
New General	67	49	35	45
New Advanced	25	13	6	6
New Extra	3	5	5	2
Total New	4806	4239	3010	4340

Upgrading: (Changed Class)

Novices	898	838	353	9
Technicians	798	917	633	805
Tech Plus	N/A	N/A	N/A	688
Generals	468	631	386	762
Advanced	353	393	237	469
Total:	2517	2779	1809	2733

Renewals: (All Classes)

Total Renew:	92	128	3304	3198
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Census:

Indiv. Oper.	555989	600445	630347	680782
Change/Year	+48906	+44456	+29902	+50435

Individual Operators by Class: (and % of total)

Extra	Advan.	General	Tech.*	Novice	Total:
March 1992 (*=Includes all Techs)					
58543	108303	123000	164921	97922	555989
10.5%	19.5%	22.2%	20.2%	17.6%	100.0%
March 1993					
62397	110656	126011	201670	99711	600445
10.4%	18.5%	21.0%	33.5%	16.6%	100.0%
March 1994					
65575	111597	125044	232523	95608	630347
10.4%	17.7%	19.8%	36.9%	15.2%	100.0%
March 1995					
69902	115467	128230	269697	97486	680782
10.3%	17.0%	19.8%	*39.6%	14.3%	100.0%

Note: * There are 133,566 Technician Class operators, 136,131 Technician Plus. Above figures do not include approximately 2500 Club, RACES & Military Recreation amateur stations

[Source: FCC Licensing Facility, Gettysburg, PA]

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June 1, 1995

● **The FCC has denied and dismissed a Petition for Reconsideration** from David Popkin, W2CC of Englewood, NJ. Popkin wanted a phrase inserted in the Part 97 rules which recognizes that successful license examinees are allowed to operate amateur stations as soon as the licensing information appears in the FCC's computerized records.

Specifically, Popkin wanted the phrase "...based on the data appearing in the Commission's amateur service license data base" added to Section 97.5(d).

The current §97.5(d) states "A person who has been granted a station license of the type listed in paragraph (b) of this section [operator/primary, club, military recreation or RACES], or who holds an unexpired document of the type listed in paragraph (c) of this section [a reciprocal or Canadian amateur service license], is authorized to use in accordance with the FCC rules all transmitting apparatus under the physical control of the station licensee at points where the amateur service is regulated by the FCC."

The FCC said "The Order [which also implemented electronic application filing] amended several rule sections to clarify that operation is authorized when the grant of the license has occurred rather than requiring a person to have a license document in hand. We do not believe that any useful purpose will be served by adding additional language to the rule." (Memorandum Opinion and Order released May 16, 1995.)

● **Want your own copy of the Communications Act?** It is available along with other pertinent communications law from the Government Printing Office, Washington, DC 20402. Cost of the 518-page book is \$19.00. The GPO's Document Sales Office accepts credit card orders at (202) 512-1800. Ask for item No. 052-070-06992-9

● **Most announcements (Public Notices, news releases, speeches, Daily Digest) and FCC actions (NPRMs, Orders, etc.) are available on the Internet.** You can use any of these Internet tools:

FTP: ftp.fcc.gov

Log in as "anonymous" and use your e-mail address as the password.

Publications are in the /pub directory. Identify files by downloading the index.

Gopher: gopher.fcc.gov

...or use any gopher to get to "all the gophers in the world" then "U.S." then "D.C." then "FCC."

World Wide Web: http://www.fcc.gov

● **The Washington Post reports the U.S. military has a multi-million program underway called HAARP.** The High Frequency Active Auroral Research Project consists in part of 360 72-foot antennas in southeastern Alaska northeast of Anchorage.

HAARP's assignment is to disturb the ionosphere. Over the horizon radar is not new; changes in returning radio waves from HF transmitters aimed at the ionosphere are used to detect missiles and aircraft.

But some say it is the beginning of a program to electronically disable enemy spacecraft and communications over large portions of the earth with powerful RF blasts and by disrupting or saturating the upper atmosphere.

Through "ducting," these signals can travel great distances. An unpredictable ionosphere can dramatically influence long distance and satellite communications.

By varying the transmissions, researchers can also alter electric currents in the ionosphere causing them to emit extremely low frequency waves. They can be used to communicate with submarines since ELF penetrates deeper into the sea,

● **The Wall Street Journal says the militia and extremist movement has taken to the Internet to spread its word.** Users who sign on to their bulletin board systems are pre-screened by answering questions on patriotism, what contributions they could make to the militia movement and whether they are government employees. The FBI is not saying whether they are monitoring their on-line traffic.

● The May 8th issue of Forbes magazine says "The FCC could have a going out of business sale." An editorial says "...the best way to manage the airwaves is to sell them off in orderly parcels and then let the market decide how best to use them." And if spectrum were leased instead of sold, it would generate \$10 to \$20 billion annu-

ally in revenue for the federal coffers.

● **The new Telecom Infohighway bill has hit a snag.** Among other objections, the Clinton administration believes that provisions to curb on-line obscenity will not pass constitutional muster. A White House policy paper takes a hard line against the "Exon Amendment" that criminalizes "lewd, indecent and obscene" transmissions sent electronically. Instead, the administration favors a "comprehensive review" of ways to control speech and on-line content.

● **"This money goes straight to reducing the deficit and there will be more such auctions in the future!"** That's what Bill Clinton said as he accepted an oversized check for \$7.7 billion from the FCC for the sale of wireless broadband PCS (personal communications services) licenses.

Now the Clinton administration wants to extend and expand FCC auctions beyond subscriber-based services. "Sell everything in sight!" is fast becoming the policy! The FCC's auction authority ends in 1998, but legislation moving through Congress seeks an extension it through 2000. FCC Chairman Reed Hundt suggested that the administration fund his \$224 million budget agency by a portion of auction receipts.

The dispute of whether women, minorities and small business should get bidding preferences which had the potential to hold up the auction of the entrepreneur block of PCS spectrum seems to have been resolved. A Mississippi company has agreed to drop its challenge in exchange for a waiver that would allow it to compete in the next auction.

● According to FCC's Judy Boley (who gets involved in printing FCC forms) the **FCC Form 610-V application that will be used to choose up to 25 amateur service station "Vanity" call signs will not be available for at least 60 days.**

And it could be longer depending upon the result of four Petitions for Reconsideration of the Vanity Call Sign System guidelines ...especially if the application form needs another revision or if additional software programming needs to be done in Gettysburg!

THE FUTURE AT 5 GHZ

In its tireless quest for spectrum for new services and additional spectrum for existing services, U.S. industry has zeroed in on the 5 GHz band. This spectrum currently is used for microwave landing systems for aviation and military radar systems.

Satellite operators want to use this spectrum for links to low-Earth orbiting satellites above 1 GHz. Such "Big LEO" satellites will proliferate over the next several years in the microwave bands, and will offer data and voice telephone service anywhere on Earth on the high seas or on land, as long as the country the user is located in approves.

The construction and launch costs for some of these satellite systems run into the billions of dollars each. The FCC has licensed three companies, Motorola, TRW and Globalstar, to build these satellites. The FCC and international authorities have not, however, settled on all of the frequencies to be used in the service, some of which may include 5 GHz.

Two proponents are petitioning the FCC for new non-satellite services in this band anyway. They believe their new uses will not interfere with satellite or aviation use. The Wireless Information Networks Forum (WINForum), a trade association, requested 5.1 to 5.35 GHz for SUPERNet, a Shared Unlicensed Personal Radio Network.

"SUPERNet will support wireless local area networking and computer-to-computer communications at short distances with data rates of at least 20 million bits per second," the trade group said. "At that rate, SUPERNet will surpass the speed of many wired local area networks and will be able to transmit a 1000 page single spaced document in a little over three seconds. As proposed, SUPERNet devices would be available to consumers and businesses without the need to obtain a license from the FCC and users would not need to pay any airtime charges to use the devices. ...SUPERNet deployment should be both as wireless access for a wired infrastructure and as an ad-hoc network of nomadic devices anywhere and at any time."

The SUPERNet products would be limited to 1 W transmit power. SUPERNet is similar to Hiperlan (High Performance Radio Local Area Network) getting underway in Europe; however, we expect major disputes over such issues as the required minimum data rates, whether centralized control will be needed, and whether voice telephone calls will be allowed to delay or stop computer data traffic in the system.

"SUPERNet will provide all users with an onramp to the information superhighway, freeing them from being tethered to a jack in an office, business, health care facility or school," WINForum said.

Apple Computer, Inc. also has announced it will petition the FCC to use a smaller amount of spectrum

to be used for the National Information Infrastructure Band. Instead of primarily indoor, short-range use, Apple will support the use of this spectrum for longer-range, unlicensed community data networking. The service would connect schools, libraries, homes and businesses with BBS systems and the Internet without telephone or airtime charges.

AMATEURS LOSE RIGHT TO RETAIN TOWER

The final chapter has been written in the David (WA4NST) and Sharon (N4XLF) Brower tower case (Vero Beach, FL). In short, the Browsers do not live "happily ever after" and they are bitter about it! The Fourth District Court of Appeals, State of Florida, ruled that the Browsers' "...transmissions may not interfere with neighbors electronic devices."

David Sumner, K1ZZ, ARRL Executive VP stated in a letter to all parties who wrote to the League on their behalf "...the court found that the residents of Suburban Acres had mutually agreed not to annoy one another and that the Browsers' installation of the 87-foot tower/antenna and subsequent operation violated this agreement..."

"The Browsers experience should discourage amateurs from agreeing to similarly worded covenants and is bound to cause concern among amateurs who are already subject to such covenants but who may have regarded them as unimportant."

Christopher Imlay, N3AKD, ARRL General Counsel stated in a letter to the Browsers "...the obvious purpose of the covenant was to proscribe activity which would 'annoy' or interfere with families living in the subdivision ...there is no doubt in the mind of any amateur that the Florida courts have erred as a matter of fact in concluding that the RFI was 'caused' by your amateur station in the first place ...We will continue to attempt to get a statement from the FCC to the effect that it is not the amateur station that is the cause of any interference." He further stated that the League "...cannot fund further litigation in this case, or a related case at the present time. Rather our efforts on behalf of amateur radio are and have been properly aimed at a longer-term strategy to address covenant restrictions on amateur stations at the Federal level."

At the request of Senator Bob Graham (FL), the FCC's General Counsel William E. Kennard responded to the issue of Federal pre-emption in RFI cases:

"We believe that this would not be an appropriate case for intervention and therefore decline the request to do so... While we are frequently asked to participate in cases that raise issues of federal preemption, the FCC has limited resources and only intervenes in cases that may have a major impact upon our regulatory mission."

FCC PROPOSES LOW POWER RADIO SERVICE

The FCC would combine several interesting uses of radio into a new Low Power Radio Service (LPRS) in the 216-217 MHz band. This is the second rule making which looks toward wider use of 1.25 meter band presently allocated to the (Part 80) Maritime Service. The first, you will remember permitted the amateur service to use a one megahertz segment at 219-220 MHz for amateur point-to-point digital message forwarding systems including intercity packet backbone networks. (See April 1 Report.)

This spectrum originated with the Automated Maritime Telecommunications System (AMTS), a cellular-like radio telephone service for tugs, barges and other marine vessels. AMTS had 80 duplex channel pairs divided into four 20-channel groups A, B, C and D. Frequencies allotted for the ship transmit side of the pair in groups C and D were reallocated to the Interactive Video and Data Service (IVDS).

The remaining half of the pair in groups C and D, 216-217 MHz, is currently not being used. Here are the new proposed uses:

1. **Auditory assistance systems.** These systems consist of very low-power, short-range transmitters and special receivers that allow the hearing impaired to listen to instruction or entertainment (such as soundtracks in theaters or PA audio in churches, auditoriums and stadiums). Auditory assistance systems currently operate in the 72-76 MHz low VHF band, where they are frequently interfered with by high power operations such as paging systems. Phonic Ear, a major manufacturer of auditory assistance products, believes the 216-217 MHz band will be more hospitable for the devices. Also, by changing the products to the UHF band, manufacturers can use internal antennas rather than external, cord-based antennas, improving the appearance of the equipment. Phonic Ear also promotes the use of this band for medical telemetry devices and other low power health care aids.
2. **AMTS network control.** Waterway Communications System (WATERCOM), the sole AMTS licensee, wants to use some of this spectrum for point-to-point simplex use for network control of its coastal stations.
3. **Law Enforcement Tracking Systems (LETS).** These "beacon bucks" are thin 100 mW transmitters that are secreted in stacks of paper currency or packaged with other valuables. When a theft occurs, the device is activated and begins transmitting a low-power signal. Radio direction find-

ing equipment then tracks the stolen property. This technology, invented by Harry Curry and supported by Texas Instruments, has operated in many U.S. cities under FCC experimental license since 1972. Incredibly, it took the FCC until now to even propose to give it a permanent spectrum allocation. TI sold the technology to ProNet, a major provider of paging services. It has an impressive record of recovering money, jewelry and vehicles and reducing the incidence of bank robberies. The company documented numerous accounts of dramatic crimebusting with many arrests made just moments after robberies. For example, Dallas' "Dapper Bandit" robbed 22 banks in ten years, but was nabbed ten minutes after stealing "beacon bucks" from a small bank. The LETS devices even allow law enforcement personnel outside a building to determine a suspect's movements inside a building, and to track suspects' movements from the air.

There are forty 25 kHz channels in the 216-217 MHz band. The FCC proposed to allocate 30 channels (216.0125 to 216.7375 MHz) to LPRS and 10 channels (216.7625 to 216.9875 MHz) for AMTS point-to-point communications.

Of the 30 channels in LPRS, the 20 channels nearest to TV Channel 13 would be limited to 100 mW transmitter output power. Two of the channels would be devoted to LETS tracking devices, which may be licensed only to eligible parties in the Police Radio Service. All operations in this band would be on a secondary, non-interference basis.

The FCC asked these questions:

- Instead of designating 30 channels for low power use, what are the advantages and disadvantages of permitting non-channelized emissions in the 216.0125 to 216.7375 MHz band? What limitations are necessary to permit such operation?
- Should the proposed scope of eligibility and/or uses of the LPRS be broadened or narrowed?
- What are the advantages and disadvantages of permitting eligibles in the AMTS service and eligibles in the LPRS to share each others' channels on a secondary, non-interference basis?
- Are the proposed technical requirements sufficient to protect TV Channel 13? Should any of the requirements be changed?

Comments on the Notice of Proposed Rulemaking in WT Docket 95-56 are due July 18, 1995 and replies August 17, 1995.