

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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★ In This Issue ★

*Burdensome Regulations Repealed
VE/VEC System Streamlined
Conflict of Interest Rules Dropped
Complete Copy of the FCC Order
Discovery Channel Features P-3D
Question Pool Committee Dispute
Noticeable Swing from 'If' to 'When'
Amateur Station Call Signs to 3/1/96
New/Upgrading Amateur Statistics
Spread Spectrum Petition Comments
Amateurs Generally Oppose Proposal
False Distress Caller Found
FCC Acts to Protect Dish Owners
...and much much more!*

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March 15, 1996

FCC REPEALS BURDENSOME VE/VEC SYSTEM RULES!

On Wednesday, February 28, 1996 the FCC issued an Order which removes certain conflict of interest, record keeping and financial certifications that were previously required as part of the VEC System rules. The FCC had asked for these changes more than a year ago and acted quickly once the *Telecommunications Reform Act of 1996* was signed into Public Law 104-104 by President Clinton on February 8. The section that applies to Amateur Radio is contained in a revised Section 4 of the Communications Act.

The Communications Act of 1934

Among other things, the Communications Act created the Federal Communications Commission more than seventy years ago to regulate interstate and foreign wireline and radio telecommunications.

The Act has been amended so many times to the point that much of it is a hodge-podge of added regulations. Section 4 primarily states the make-up of the Commission and the miscellaneous guidelines under which each of the five Commissioners must operate.

Included in Section 4 is also a provision for the FCC to utilize private organizations to assist them in four stated areas:

- (1.) amateur and commercial radio operator license examinations,
- (2.) amateur and citizens band violations monitoring,

- (3.) commercial radio technician certification by user groups; and
- (4.) "...providing radio club and military-recreational call signs."

The FCC has, of course, implemented programs to utilize the services of private groups to prepare and administer all radio operator license examinations and it endorses commercial radio technical certification programs by various professional organizations. But personal radio violations monitoring is largely ineffective. The FCC entered into an agreement with the ARRL's field organization to create an Amateur Auxiliary but it is essentially an advisory program without any authority to issue sanctions or take any enforcement action. The CB radio violations monitoring program does not exist at all. Even though empowered to delegate the assigning of club and military-recreational call signs, the FCC has never implemented this authorization.

Amateur and commercial radio examinations

The Communications Act is the underlying Congressional law from which the Part 97 (Amateur Radio) and Part 13 (Commercial Radio) rules are enacted by the Federal Communications Commission. And there is a very big difference in the Act wording that covers amateur and commercial radio license examinations.

One would think that the law would be more

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #2

March 15, 1996

demanding on commercial radio operator examinations since the safety-of-life is involved. Amateur radio is, after all - a hobby. But such is not the case. The legislation involving ham radio testing is more stringent. It is that way because that is the way the American Radio Relay League wanted it when the legislation was being crafted in the early 1980's.

Here's what the Communications Act says about radio operator license examination fees:

Amateur radio volunteer examiners (VEs) and coordinators (VECs) may be reimbursed for out-of-pocket expenses. The maximum amount was set (in 1984) at \$4.00 and "...adjusted annually every January 1 for changes in the Department of Labor Consumer Price Index" (i.e. inflation.) The current maximum fee is \$6.07 - but most VEC organizations charge \$6.05 since it is easier to work with.

Commercial Radio examiners "...may recover from examinees such fees as the Commission permits, considering such factors as public service and cost estimates submitted..." Thus while license examination fees are statutorily set at a maximum amount in the Amateur Service, there are no set examination fees imposed upon Commercial Radio Operator license examinees.

To implement privatized Commercial Radio Operator examinations, the FCC asked each organization applying to administer Commercial examinations what their fee would be, and then approved it. As a result, Commercial Radio Operator examination fees vary widely.

A Commercial Operator License Examination Manager (COLEM) is the commercial counterpart of the Amateur Service's Volunteer-examiner Coordinator (VEC.) There are eight COLEM organizations that administer commercial radio operator examinations (and 18 different VEC organizations.) Some COLEMs charge a fee for each examination element administered, others charge one testing fee per license regardless of the number of examinations.

Our National Radio Examiners commercial division charges \$35.00 per license since that is what the FCC charged before Commercial Radio Operator testing was turned over to private COLEM groups.

Conflict of interest and record keeping

Amateur radio testing has several conflict of interest, examiner qualification and record keeping rules that do not exist in Commercial Radio testing. These include a requirement that the Amateur Radio license examiner hold a higher class license than the examinee or; "In the case of examinations for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license."

There is no statutory requirement that an examiner

even hold an FCC license of any kind in order to conduct a Commercial Radio Operator license exam. And in fact, most Commercial Examiners do not. They merely conduct the exams for their COLEM who is held responsible for the integrity of the examination. Some COLEMs are strictly testing (and not radio) organizations who conduct a wide variety of state, corporate and federal (including civil service) examinations.

Since the W5YI Group is both a VEC and a COLEM (National Radio Examiners), we basically have the same examiner requirements for both. That is, only licensed examiners may conduct either the Amateur or Commercial Radio operator examinations. We require our commercial examiners to have either an Amateur Extra Class, a Commercial General Radiotelephone or a 1st/2nd Class Radiotelegraph Operator ticket. This is a decision we made, not the FCC.

The Communications Act also required that Amateur Radio license examiners not own "a significant interest in or be an employee of any company engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses..."

While this might seem reasonable on the surface, it actually presents a hardship to the Amateur testing program. For example, employees of firms that made (or stores - such as *Radio Shack* that sold) radio equipment ...or those people who developed or distributed study manuals were statutorily unqualified to be a VE.

Amateur radio license class instructors were also prohibited from acting as volunteer examiners due to the statutory prohibition on passing out (distributing) license preparation material. While university professors certainly dole out lesson material and administer course ending examinations, Amateur Radio instructors could not. It is all kind of ridiculous when you think about it!

What is interesting, is that there are no parallel conflict-of-interest Communications Act requirements imposed on Commercial Radio examiners whatsoever. The Part 13 Commercial Radio rules do, however, preclude the use of compromised examinations and administering exams to relatives.

One of the most burdensome requirements on Amateur Radio testing was the necessity that "...individuals shall maintain records of out-of-pocket expenditures and shall certify annually to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred."

Again, that might not seem difficult, but it necessitated VECs collecting these certifications and sending them to the FCC at the end of the year. It was a big job for us since the W5YI-VEC has close to twenty thousand VEs. The Commission gets tens of thousands of these

certifications every year and really does not do anything with them ...just "files" them away.

VE and VEC requirements

While we are on the subject, we probably should point out that VE and VEC qualification requirements are different. VEs, as we mentioned, were prohibited from distributing radio transmitting equipment and license preparation material. This is specifically stated in rule Part 97.509(b)(5).

Volunteer-examiner Coordinators, however, have slightly different rules. Section 97.521(e) of the Amateur Rules says that VECs must not be engaged in the production or distribution of radio transmitting equipment or study material (and here is the different part) "...unless a persuasive showing is made to the FCC that preventative measures have been taken to preclude any possible conflict of interest."

Both the ARRL and W5YI Group distribute Amateur Radio study books, videos and audio cassette tapes and both made the required "showing" by establishing separate examination and distribution divisions within their organizations. Furthermore, personnel in our W5YI-VEC Office never have had access to examination material.

Telecommunications Reform Act of 1996

Follows is the complete text of the Order that the FCC adopted and released on February 28th.

Before the
Federal Communications Commission
Washington, DC 20554

FCC 96-74

In the Matter of)
Amendment of Part 97 of the)
Commissions Rules to Conform the)
Amateur Service Rules to the Provisions)
of the Telecommunications Act of 1996)

ORDER

Adopted: Feb. 28, 1996

Released: Feb. 28, 1996

By the Commission:

INTRODUCTION

1. This *Order* revises our rules to implement Section 4(f) of the Communications Act of 1934 ("the Communications Act") as amended by Section 403(a) of the Telecommunications Act of 1996 (Public Law No. 104-104). The 1996 Telecommunications Act was signed into law on February 8, 1996. By this *Order*, we are revising our rules for the Amateur Radio Service, consistent with the statutory mandate of the 1996 Telecommunications Act, to remove certain unnecessary and outdated regulations.

EXECUTIVE SUMMARY

2. Pursuant to the 1996 Telecommunications Act, this *Order* removes the conflict-of-interest provisions pertaining to

administration of amateur operator license examinations. Additionally, it eliminates the requirement that volunteer examiners (VEs) and volunteer-examiner coordinators who administer and coordinate amateur operator examinations maintain records of out-of-pocket expenses and annually certify those expenses to the Commission.

3. Prior to the enactment of the 1996 Telecommunications Act, Section 4(f)4(B) of the Communications Act precluded any person who owns a significant interest in, or who is an employee of, any entity engaged in the manufacture or distribution of amateur radio equipment, or who prepares or distributes any publication used to obtain an amateur operator license, from administering amateur license examinations. The underlying purpose of the conflict-of-interest requirement was to prevent an employee from favoring examinees who purchased manuals or equipment produced or distributed by the VE or the VE's employer. Our rules contain analogous conflict-of-interest requirements. (See §§ 97.509(b)(5) and 97.521(e).)

4. "Section 403(a)(2) of the 1996 Telecommunications Act, however, removed the statutorily-imposed conflict-of-interest requirement. As a result, we conclude that Sections 97.509(b)(5) and 97.521(e) of our rules, which are patterned after the previous statutory requirement should be eliminated. We further conclude that other provisions of our rules, combined with current amateur radio license examination procedures, will sufficiently protect against the potential for abuse initially contemplated by the Communications Act. In this connection, Section 97.523 of the Commission's Rules requires the VECs to cooperate in maintaining one question pool for each written examination element. As a result, all examination material and manuals must draw from these standard pools of questions, which are widely available to the public through numerous publications and computer disks. Additionally, each examination is administered by three VEs and is coordinated by a VEC. It is highly unlikely, therefore, that any examinee could be favored by a VE or a VEC in the manner contemplated by the Communications Act. Twelve years of experience with the VEC system has shown that any breach of trust by the VECs and VEs can be dealt with swiftly and immediately by discrediting the offending VEs or rescinding the VEC agreement. Thus, we believe that the conflict-of-interest requirement in our rules is no longer necessary.

DISCUSSION

5. In addition, the Communications Act, prior to the enactment of the 1996 Telecommunications Act required that VEs and VECs keep records pertaining to expenses incurred in the administration and coordination of amateur operator examinations and also mandated that they annually certify that the expenses incurred were necessary and prudent. Similarly, Section 97.527 of our rules requires retention of certain records and certifications concerning reimbursement of expenses associated with amateur radio license examinations. Section 403(a) of the 1996 Telecommunications Act eliminates the record retention and certification requirements although it preserves the ability of VEs and VECs to recover from examinees reimbursement for actual out-of-pocket costs. Also the maximum allowable examination reimbursement fee permitted by

the Communications Act (\$6.07 for 1996) is *de minimus*. We conclude that the record retention and reporting requirements regarding reimbursement also should be eliminated from the Commission's rules because they were an outgrowth of the previous statutory requirements.

6. We believe these rule changes will make our rules consistent with the requirements of the 1996 Telecommunications Act. We also believe that they will further the public interest because they eliminate unnecessary regulatory burdens. We find there is good cause for noncompliance with the general notice and comment provisions of the Administrative Procedure Act. (5 U.S.C. §553(b). The rule changes that we adopt today merely implement the intent of Congress in enacting Section 403(a)(2) of the Telecommunications Act of 1996, are noncontroversial in nature and, therefore, are unlikely to generate public comment. Accordingly, we find that notice and comment is unnecessary.

7. Accordingly, pursuant to Sections 154(l) and 303(r) of the Communications Act of 1934, as amended, IT IS ORDERED that Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED as set forth in the Appendix below effective 30 days after publication in the Federal Register. (*About April 15*)

APPENDIX

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

Part 97 - Amateur Radio Service

Section 97.509 is amended by removing paragraph (b)(5) [*This rule previously precluded VEs (volunteer examiners) from being engaged in the manufacture or distribution of amateur station transmitting equipment or the publication or distribution of license preparation materials.*]

Section 97.521 is amended by removing paragraph (e) - [*This rule previously precluded (VECs) volunteer-examiner coordinators from being engaged in the manufacture or distribution of amateur station transmitting equipment or the publication or distribution of license preparation materials "...unless a persuasive showing is made to the FCC that preventative measures have been taken to preclude any possible conflict of interest."*]

Section 97.527 is amended by removing paragraphs (c), (d), (e) and (f.) [*This rule previously required VEs and VECs to keep out-of-pocket expense records for a period of 3 years and to file a written certification annually with the FCC verifying "...that all expenses for the period from January 1 to December 31 of the preceding year for which reimbursement was obtained were necessarily and prudently incurred."* VECs were required to disaccredit any VE who failed to provide this certification and to so advise the FCC.]

There are no longer any regulatory prohibitions precluding VEs or VECs from distributing license preparation (study) materials to anyone or from being employed by a company that manufactures or sells amateur radio station equipment. Volunteer examiners may now teach Amateur radio license classes, distribute study material to their students (with or without profit), and conduct the course ending license examinations as a VE.

AMSAT's PHASE 3-D SATELLITE TO BE FEATURED ON THE DISCOVERY CHANNEL

Members of the Phase 3-D International Project Team are now slated to be a part of an upcoming Discovery Channel TV Network programs called "Eyes in the Sky", according to Keith Baker, KB1SF, AMSAT-NA Executive Vice President.

Keith reports that the two hour long, Sunday evening special show will be presented during multiple airings on the network throughout the month of March and will feature members of the AMSAT-P3-D team working on the satellite at AMSAT's Orlando, Florida Integration Laboratory.

The segment is expected to include shots of Keith as well as Dick Jansen, WD4FAB, AMSAT-NA VP Engineering and Stan Wood, WA4NFY, AMSAT-NA Assistant VP Engineering, all shopping for "satellite parts" at a local Orlando surplus house.

Next, Dick is featured searching for "antenna parts" in the housewares section of a local department store, followed by various views and on-camera comments from all three individuals along with shots of other people actually working on the new satellite in the P3D Lab.

On-location filming for AMSAT's portion of the segment was completed last October just after AMSAT-NA's 1995 Space Symposium also held in Orlando.

According to Paul Gasek, the program's producer/director at Stonybrook Films in Brewster, Massachusetts, the main theme of the AMSAT segment emphasizes that "high tech doesn't need to be high cost."

Paul went on to note that the part of the program containing the AMSAT footage runs for about 6 minutes and also features narration by Barry Corbin, the gentle man who plays the part of an ex-NASA astronaut on the television network program "Northern Exposure."

The 2 hour program is now set for broadcast on the Discovery Channel network in the U.S. beginning on Sunday, March 10th at 9 p.m. (Eastern Time) and again on Sunday, March 17th at 3 p.m. (Eastern Time.) Another airing of the program is set for Wednesday, March 20th at 1 a.m. and again on March 20th at 9 p.m. (Both Eastern times.)

Keith noted that AMSAT's part in the program should provide, "Another opportunity for Amateur Radio and AMSAT to get national television exposure showing what we Hams know how to do best ...being creative, pushing the state of the radio art forward, and having some *great* fun in the process."

- In 1991, the (German) Deutscher Amateur Radio Club (DARC) signed an agreement with AMSAT-DL to support the Phase-3D satellite project with 150,000 DM (\$100,000 U.S.) per year over a six year period for total sum of 900,000 DM (\$600,000.) The amount pledged

represents about \$10.00 per DARC member per year for six years. DARC considers P3-D an important project since it will increase amateur microwave usage at a time when the band is under significant threat from other services. DARC's first payment was made in 1990. DARC Satellites and Space Projects chairman, Norbert Notthoff, DF5DP advises that the final payment has now been made and that " We are proud that we could help realize Phase-3D with this substantial contribution."

THE QUESTION POOL COMMITTEE DISPUTE

Some of you have asked about ARRL Bulletin 13 concerning the VEC's Question Pool Committee (QPC.) The QPC is a committee of three amateurs from different VEC Organizations who make the final decision on the content of the multiple choice questions that appear in the various written Amateur Radio license examinations. Ray K. Adams, N4BAQ of the Western Carolina VEC is chairman. I (Fred Maia, W5YI-VEC) am Vice chairman.

The question pool revision is a lengthy process which takes more than a year to complete. Every question pool is changed on a four year cycle. (1st year) Novice/Technician is revised, (2nd year) General, (3rd) Advanced and (4th) Amateur Extra Class. It begins with a new outline (syllabus) being considered for the question pool which is released by the QPC in February. Then the amateur community is invited to submit new and/or corrected/deleted questions which the QPC uses to revise a question pool. The actual revision work takes place in the fall with a new pool being released to the public on December 1st. The new questions must be used in all examinations administered after July 1 of the following year. Up until last summer, the ARRL/VEC manager Bart Jahnke, KB8NM was a member of the QPC.

Every summer, the VEC's meet in Gettysburg, PA for their annual conference. At last year's (June) conference, a motion was made and the majority of VECs voted to incorporate into an organization to be called the National Conference of VECs, Inc., (or NCVEC, Inc), a non-profit, tax-exempt educational corporation under section 501(c)3 of the Internal Revenue Code of 1986. The ARRL/VEC abstained from voting. The corporation was legally formed shortly thereafter and all VEC activities and standing committees became part of the NCVEC, Inc.

About a month later, the NCVEC received a letter from David Sumner, K1ZZ, ARRL Executive VP. The letter stated (and this is a quote): The League is not interested in any involvement in the corporate affairs of the NCVEC, Inc., and does not wish to be a participant in, or to designate a director of, the corporation."

Sumner added, "...kindly rescind any and all reference to the League's participation in the NCVEC, Inc.,

and refrain hereinafter from any indication in any documents or in any remarks of the officers or directors of the NCVEC, Inc. Which would lead anyone to conclude that the League is a participant in the NCVEC, Inc."

Since all VEC standing committees (including the QPC) were now a part of the NCVEC, Inc., president Don Tunstill, WB4HOK, took the Sumner letter to mean that the ARRL/VEC manager should not participate in the Question Pool Committee. Bart Jahnke/KB9NM was replaced on the QPC with Walter "Scotty" Neustadter, N4PYD, of Huntsville, AL.

While the ARRL/VEC was no longer on the QPC, the Committee did continue to accept (and extensively use) question and syllabus suggestions from the ARRL. In fact, more than 96% of the input from the League was used verbatim in the new (Element 4B Amateur Extra Class) question pool and (Element 2/3A Novice/Technician Class) syllabus.

On October 13, Bart Jahnke sent a letter to Don Tunstill, WB4HOK (NCVEC president) demanding that he be reinstated to the Question Pool Committee. Then followed several exchanges of letters between the FCC, the ARRL, the ARRL's attorney and the NCVEC

Tunstill said that the ARRL/VEC would be eligible to be reinstated to the QPC at the next VEC conference (on July 18, 1996) if Mr. Sumner would simply permit him to participate. To try and resolve the dispute, Tunstill wrote the following letter to ARRL president Rod Stafford, KB6ZV on February 14, 1996

Dear Mr. Stafford:

This has reference to the ongoing correspondence between NCVEC, Inc. and ARRL VEC. We are appealing to your good office to help us resolve this issue. This controversy certainly was not an issue we anticipated when NCVEC, Inc. was formed. Please accept my personal assurance that we are sincere in asking you to help resolve this issue immediately. We have summarized the correspondence below from Mr. Sumner and our interpretation of such correspondence.

My initial reading of Mr. Sumner's January 18 letter was encouraging as it appeared that he was saying that his directive to NCVEC, Inc. in his July 20, 1995 letter was misconstrued, and that he now wanted his employee Mr. Bart Jahnke to participate in QPC activities of the NCVEC, Inc. but did not want him to participate as a director therein.

Unfortunately, Mr. Sumner continues with his directive that "What I instructed you to do was to not refer to the ARRL as a participant in the newly created Corporation." Mr. Stafford, the activities of QPC, as well as the activities of all of our committees, are now the activities of NCVEC, Inc. This is not only a fact of corporate law but the intended results of incorporation by the VECs in the first place.

Unlike the many small VECs, ARRL/VEC has the insurance coverage and financial resources to protect itself, however, we do not. And, any logical reason that ARRL would be adamantly opposed to our attempt to obtain at least the minimum protection of incorporation that ARRL enjoys simply

escapes me. Even so, our By Laws were constructed to permit any VEC who desired for whatever reason not to name a director to do so and still participate fully in activities of NCVEC, Inc.

Of perhaps even more importance, it permits NCVEC, Inc. to utilize the talent of any volunteer without the necessity that such individual be a member of NCVEC, Inc. or associated in any way with one or more of the VECs. But it should be noted that it should be quite obvious to everyone that we cannot hide the fact that the output of such committees represents activities of NCVEC, Inc. In fact, the corporate logo will be reflected on much if not all of the output of such committees.

Mr. Stafford, I have attempted to comply fully with Mr. Sumner's directives included in his correspondence. Such directives are: "... it is not the intention of the American Radio League to participate in the Corporation in any respect." "The League intends that Bart Jahnke will continue to participate ... and not in any respect as a participant in ... your corporation." "Because it is not and has never been the intention of the League to participate in, ... the Corporation." "The League's long standing policy regarding participation in the NCVEC, and the League's own corporate status, preclude any participation in the NCVEC Corporation." "Therefore, kindly rescind any and all reference to the Leagues participation in the NCVEC, Inc."

In reviewing the above correspondence, all that NCVEC, Inc. needs for Mr. Bart Jahnke to be eligible to participate in any committee activities of NCVEC, Inc. is simple written permission to do so by a representative of ARRL VEC.

The following written statement would be sufficient:

The ARRL VEC gives permission for Bart Jahnke or any other ARRL employee they may designate now or in the future to participate in any committee activities of NCVEC, Inc.

It should be signed and dated. The above statement should not contain any other statements, exceptions, etc. A simple permission for Bart to participate in committee activities is all that is needed or wanted.

Mr. Stafford, you have my assurance as soon as I receive the above authorization in the form requested, I will do every thing in my power to resolve this issue as soon as possible.

Sincerely,
Don Tunstill

No response has yet been received from ARRL President Stafford to this letter, but on February 23rd, the ARRL sent out the following W1AW Bulletin:

ZCZC AG92
QST de W1AW
ARRL Bulletin 13 ARLB013
From ARRL Headquarters
Newington CT February 23, 1996
To all radio amateurs
SB QST ARL ARLB013
ARLB013 Question pool committee

ARRL Executive Vice President David Sumner, K1ZZ,

advised FCC Private Wireless Division Chief Robert H. McNamara on February 23, 1996 that the mechanism to maintain question pools for FCC Amateur Radio examination elements has broken down and no longer operates as FCC rules require. ARRL wants the FCC to issue a public notice to that effect, clearing the way for the creation of a substitute mechanism.

The League's request stems from last year's decision by a majority of the Volunteer Examiner Coordinators to incorporate a previously informal organization as National Conference of Volunteer Examiner Coordinators Inc. ARRL/VEC and some other VECs chose to not participate in the corporation. At that time, Sumner emphasized that ARRL Volunteer Examiner Department Manager Bart Jahnke, KB9NM, would continue to participate with other VECs on issues of common interest, and that the League did not want to change the cooperative relationship that existed between the ARRL and other VECs. NCVEC Inc later removed Jahnke from the question pool committee (QPC), which had been the mechanism for VECs to cooperate in maintaining question pools for written ham radio examination elements.

In October, FCC Wireless Telecommunications Bureau Deputy Chief Ralph Haller confirmed that the NCVEC has no recognition in the Communications Act or the FCC Rules, and that the FCC views each VEC individually. He said the FCC expected all VECs to be able to participate in question pool activities. In December, the FCC's McNamara asked NCVEC Inc president, Dalton H. Tunstill, WB4HOK, to immediately reinstate the ARRL/VEC to a seat on the QPC. The conference so far has refused, but stated that, if certain conditions were met, Jahnke would be eligible for election to the QPC when the conference meets in July. The League now formally requests the FCC to advise Tunstill that the question pool committee operating exclusively under the NCVEC Inc is no longer the mechanism through which question pools for Amateur Radio Service examinations are maintained and to issue public notice to that effect.

The League asks the FCC to terminate its agreement with any VEC that took part in the decision to exclude the ARRL/VEC or other VEC from cooperating in the maintenance of the question pools, as their action violated Section 97.523 of the FCC's rules. The League has invited all VECs to cooperate in creating a replacement Question Pool Committee, which would be open to all FCC-recognized VECs.

The ARRL said its exclusion from the QPC caused material appropriate for study by prospective Technician Class applicants to be left out of the Novice (element 2) and Technician (element 3A) syllabi the committee released February 1, 1996. The present syllabi are not acceptable to the ARRL because study guides prepared for these examinations won't include the missing material, and applicants won't be tested on it.

The ARRL said its exclusion also resulted in errors in the revised question pool for the Amateur Extra Class written examination, element 4B, released by the Question Pool Committee December 1 for use starting July 1, 1996. The League said VECs can correct this by simply not using the defective questions in their examinations.

The ARRL/VEC coordinates approximately two-thirds of all FCC Amateur Radio examinations. NNNN

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #7

March 15, 1996

ORACLE is the New Zealand group that lobbied their government to propose removing the Morse Code requirement from the international (Amateur) Radio Regulations. The organization has six managers and an unknown number of supporters. Follows is a statement that they released on March 1, 1996:

A statement from ORACLE Managers:

A NOTICEABLE SWING FROM "IF" TO "WHEN"

The New Zealand based Organisation Requesting Alternatives by Code- Less Examinations (ORACLE) confirm they are prepared for ongoing lobbying for removal of the international regulation on Morse code testing. However, this does not look to be such a daunting task as was originally the case when the organisation formed just under two years ago, as last year the New Zealand administration established a policy that is somewhat parallel to ORACLE objectives. ORACLE is now looking wider afield to assist lobby groups in other countries.

Monitoring of information in amateur radio circles since WRC-95 was held in Geneva last October and November has revealed a significant opening up of discussion on Morse testing requirements. The proposal from New Zealand to remove the regulation at WRC-95 was opposed largely on procedural grounds, as normally a two year notification is needed for an agenda item. However, the substance of the proposal was recognised by several administrations and consequently review of all the amateur regulations was agreed to go on the provisional agenda for WRC-99.

We have been receiving reports that an increasing number of officials are regarding it as the likely outcome that the international regulation S25.5 (was RR 2735) will actually be removed in 1999. The main consequential change after 1999 that would impact on amateurs themselves is in their national regulations and that would be something for individual administrations to decide. For example, US amateurs are governed by FCC Rules, and removing one international regulation does not necessarily mean that the FCC Rules change. An example of that is the codeless technician class, which could have been introduced following regulatory amendments at WARC-59. Many British Commonwealth and other countries introduced code-less VHF amateur licences in the early 1960s, but in the US it took till 1991.

Before WRC-95 the typical comment on possible removal of the international Morse testing requirement was "if this happens". Since WRC-95 and the arranging of a specific agenda item on amateur radio the mood seems to have had a definite swing to "when this happens".

The address for correspondence with ORACLE is
 ORACLE,
 3 Allenby Terrace,
 Wellington 6001,
 New Zealand.

Any donations received will be 100% directed into lobbying for removal of the international regulation.

AMATEUR RADIO STATION CALL SIGNS

...sequentially issued as of the first of March 1996:

| Radio District | Gp."A" Extra | Gp."B" Advan. | Gp."C" Tech/Gen | Gp."D" Novice |
|-----------------------|-----------------|------------------|--------------------|------------------|
| 0 (*) | AB0BA | KI0BM | (****) | KB0VLN |
| 1 (*) | AA1PQ | KE1EE | N1WRE | KB1BWW |
| 2 (*) | AB2AG | KG2FT | (****) | KB2YCU |
| 3 (*) | AA3NR | KE3WA | N3WXH | KB3BNP |
| 4 (*) | AE4RF | KT4LS | (****) | KF4HFX |
| 5 (*) | AC5GR | KK5XL | (****) | KC5TBY |
| 6 (*) | AC6SZ | KQ6EI | (****) | KF6BSN |
| 7 (*) | AB7PE | KJ7VF | (****) | KC7PLX |
| 8 (*) | AA8WE | KG8VV | (****) | KC8CON |
| 9 (*) | AA9RK | KG9FO | (****) | KB9MWF |
| N. Mariana Is. | KH0V | AH0AW | KH0ER | WH0ABE |
| Guam | WH2S | AH2DB | KH2PY | WH2ANP |
| Johnston Is. | AH3D | AH3AD | KH3AG | WH3AAG |
| Midway Is. | | AH4AA | KH4AG | WH4AAH |
| Hawaii | (**) | AH6OL | (****) | WH6DAE |
| Kure Is. | | | KH7AA | |
| Amer.Samoa | AH8O | AH8AH | KH8CL | WH8ABF |
| Wake W.Peale | AH9C | AH9AD | KH9AE | WH9AAI |
| Alaska | (**) | AL7QI | (****) | WL7CRW |
| Virgin Is. | WP2W | KP2CJ | NP2JD | WP2AIC |
| Puerto Rico | (**) | (***) | (****) | WP4NJY |

* = All 1-by-2 and 2-by-1 call signs have been assigned.

** = All 2-by-1 call signs have been assigned.

*** = All KP4-by-2 call signs assigned in Puerto Rico.

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

[Source: FCC, Gettysburg, Pennsylvania]

NEW AND UPGRADING AMATEUR STATISTICS FOR THE MONTH OF FEBRUARY - 1996

| License Class | New Amateurs | Upgrading Amateurs |
|---------------|--------------|--------------------|
| Novice | 76 | 0 |
| Technician | 1885 | 0 |
| Tech Plus | 155 | 418 |
| General | 14 | 394 |
| Advanced | 4 | 313 |
| Extra Class | 7 | 240 |
| Club | 98 | 0 |
| Total | 2239 | 1365 |

SPREAD SPECTRUM? NOT IN MY BACKYARD!

Many Commenters Critical of ARRL Petition to Enhance Spread Spectrum

In filings coming into the FCC, VHF/UHF operators are plain in their criticism of ARRL petition RM-8737 to amend the Amateur Radio rules to better accommodate spread spectrum and Code-Division Multiple Access (CDMA) technologies (see W5YI Report, Jan. 15, 1996).

Especially represented are frequency coordinators,

several of which worry that introduction of this wideband digital mode will endanger repeater systems they have helped to place on the air, and will promote criminal activity on the amateur bands.

Proponents believe that spread spectrum, which has been permitted in the Amateur Service for more than a decade, is now more practical than in the past. It should be freed from some of the restrictive rules now in effect, they argue, especially if it is to help solve congestion and other problems that have followed the Service's expansion.

A key question is whether the FCC will permit spread spectrum to be used in the 50, 144 and 220 MHz bands. Most commenters who discussed the issue in their filings believe the mode should be restricted to the microwave bands.

Bob Buas, K6KGS, likened the concerns to the outcry over the introduction of SSB. Buas holds an extensive Special Temporary Authority from the FCC for a network of spread spectrum (SS) experiments. He responds to some of these concerns in his FCC comments, sampled at the end of this article. But first, here are excerpts from the latest FCC filings:

"We make this statement of opposition on behalf of our membership within the Amateur Radio Service (ARS), for their protection from the petitioner's most frivolous and deleterious filing to date, to protect existing and future narrowband ARS systems and networks from serious compromise. ...

"Would there be monitoring difficulties and illicit use of SS emissions? The answer, quite obviously, is yes. The mode, developed for use by the military and State Department, was not intended as a tool for spectrum conservation, but primarily to facilitate secure transmission. With the virtually unlimited number of encoding combinations that would be allowed by these proposed rule changes, it would be exceedingly difficult to decode content for common monitoring or enforcement purposes. This would make the mode very appealing to undesirable or criminal elements, as powerful equipment capable of operating in ARS spectrum would become readily available.

"The petitioner has assumed that the sole purpose of the ARS is for experimentation, and has petitioned for rule changes that will result in harmful interference, while subjecting other authorized spectrum users to unwitting use as guinea pigs in experiments of dubious value." - *David L. Shiplett, WC4MU, President, SouthEastern Repeater Assn., Inc., Tobaccoville NC*

"The future of Amateur Radio communication modes may well lie in the various forms of digital communications. Everything should be done to help promote this type of Amateur activity. As in the past, however, the newer mode must establish itself as technically feasible, especially in today's highly crowded Amateur bands. A systematic and controlled integration of SS into mainstream Amateur Radio combined with widespread education will ensure that this new mode is taken seriously.

"The ARRL petition, in its current form, would create chaos in the Amateur bands if implemented as written. While Amateur development of SS communications is needed, it can not simply be thrown into the bands on top of well-established

incumbent band users." - *David E. Laag, President, San Bernardino Microwave Society, Ridgecrest, CA*

"While the Petitioner, the American Radio Relay League (ARRL), represents itself as being 'the' national association of amateur radio operators in the United States, it should be recognized that they are not the only one and that their interests do not necessarily represent all of the amateurs when their membership is actually less than 30% of the entire licensed amateur population.

"In this particular filing they do not even represent a majority of the members they do claim nor did they solicit input from their general membership before making this proposal. I am a life-member of the ARRL, and support most of their positions. However, as the MACC President I can not support RM-8737, nor can I support it as an individual amateur radio license holder. ...

"I am also very concerned about the attractiveness of this mode to the criminal element in our society. If RM-8737 is adopted, this ostensible 'progress' would severely degrade the usefulness to most of the users of this band. This technology is available to this criminal element now on other bands, we don't need to introduce and encourage their use of it on our 70 cm band.

"In view of the federal government's on-going effort to restrict the use of advanced encryption technology by legitimate users, I see no reason to spread its use to the Amateur Radio Service via spread spectrum." - *George R. Isely, WD9GIG, President, Mid-America Coordination Council Inc., St. Charles, IL*

"The spread spectrum techniques embodied in RM-8737 are, without a doubt, superior in all respects to the spread spectrum techniques authorized by the present rules but only if they are assigned to virgin spectrum and therefore they cannot be allowed on any frequency below 450 MHz due to present high usage of these bands by narrowband users.

"The Indiana Repeater Council vigorously opposes any rule change expanding the types of spread spectrum techniques allowed below 450 MHz and will only support such changes in the 902 MHz and 1240 MHz bands if spread spectrum were strictly segregated into protected sub bands. On frequencies above 1300 MHz the proposed rule change would be nonproblematic due to low usage and limited range.

"In the 902 MHz band two suitably sized subbands 12 MHz apart and in the 1240 MHz band two suitably sized subbands 12 MHz apart would permit the development of spread spectrum repeaters. Such repeaters could have hundreds of PCodes thus giving the functional equivalent of hundreds of personal repeaters." - *William C. Wells, WA8HSU, Chairman, Indiana Repeater Council, Logansport IN*

"The Indiana suggested band plan to integrate SS into an already crowded band segment is vastly superior to the ARRL's approach. The ARRL's plan would cause the SS signals to encroach into other band users' long-established frequency assignments and cause interference to existing stations. Those stations would then need to move their existing operations to avoid the interference that, because of long-established patterns of use, generate more interference potentials and a domino effect of interference among band users would erupt. This would cause even more conflicts to arise such as the Commission is presently trying to resolve in the FM repeater portions of the band." - *Henry Ruh, KB9FO, Publisher, Amateur Television Quarterly, Crown Point IN*

"TAPR differs with the ARRL with respect to the question of which frequencies should be authorized for SS emissions.

"In the Petition, the ARRL proposes that brief test transmissions of SS emissions be permitted only on those frequency bands in which SS emissions currently are authorized. TAPR believes that SS emissions should be allowed on all frequency bands covered by the SS STA currently held by Mr. Robert Buaas K6KGS (6m and 2m, in addition to the frequency bands currently authorized by Part 97).

"In addition, the Commission should allow SS emissions in the 219-210 MHz band, which was authorized for use by the Amateur Radio Service after the Buaas SS STA was originally granted in 1992. Finally, the Commission should not impose any restriction on the length of time SS emissions are transmitted. Ample time already has been provided for the experimental phase of SS usage in the amateur service (five years of experimentation under the 1980 AMRAD STA and ten years under the current Part 97 rules), and it is now time to allow SS use without restriction.

"The amateur radio community should be permitted to develop an approach for handling the necessary functions of monitoring and identification. TAPR already is working on possible resolutions to this problem and in the near future will be in a position to make a proposal to the Commission on this matter." - *Dewayne Hendricks, WA8DZP, for Tucson Amateur Packet Radio Corp.*

"If experimenters need to explore the technology, the 902 MHz band offers a place where spread spectrum already exists, but is not presently available to the Amateur Service. If manufacturers wish to sell spread spectrum to Amateur Radio, then the 1.2 GHz Amateur band, or even higher, may be a choice market.

"I object to the operation of spread spectrum below 902 MHz. The 3/4 Meter band, from 420 to 450 MHz is especially vulnerable to the type of interference spread spectrum offers." - *Nels Harvey, WA9JOB, Chairman, Wisconsin Association of Repeaters, Mequon WI*

"One of the major complaints being heard locally is that amateurs cannot do what unlicensed operators can do with Part 15 devices. That is a major issue that does need to be addressed. ... The fact that an unlicensed and technically naive individual (at least in terms of RF technology) can operate in a manner that a competent amateur cannot without Special Temporary Authority is an unfortunate situation that does not cast either the Amateur Service or the Commission in a positive light." - *John Mock, KD6PAG, Richmond CA*

"The Manager notes that while the League questions the practicality of Section 97.119(b)(5) of the Rules (which contains the CW identification requirement for spread-spectrum communications), it does not propose a modification thereto. The Manager proposes that the requirements be deleted.

"To the best of the knowledge of the Manager, no currently available Commercial Off the Shelf (COTS) spread-spectrum equipment complies with the rule. Deletion of the requirement will likely lead to increasingly available COTS equipment for amateur use of spread-spectrum technology and concurrent increased usage." - *Carl Wayne Smith, Chief Regulatory Counsel for Telecommunications, Department of Defense, for the Manager, National Communications System*

"The petitioner quotes a report by STA holder Mr. Buaas,

K6KGS. Nowhere in the quoted sections or the remainder of the report are there any reported data, operating parameters, technical analysis of measurements made, or the methods used to obtain those (apparently nonexistent) measurements. The report is entirely without supporting facts, and so must be dismissed as inadequate and incomplete. ...

"The petitioner and Mr. Buaas claim that the existing Rules governing Amateur SS emissions are excessively restrictive, but neither party states HOW the rules are restrictive. SCRRBA does not believe that SS experimenters should be given a 'free hand' to do whatever they want without some specific explanation of what they intend and some specific data on what they have done to date." - *M. Robin Critchell, Board Member, Southern California Repeater and Remote Base Assn., Pasadena CA*

"[An]...overwhelming barrier is the fear associated with the interference that the inexperienced claim that all SS systems will necessarily generate. On this point we have experienced vocal opposition to SS, particularly from the Frequency Coordination community, and to a lesser degree from the Weak Signal community.

"The fear is often expressed as: 'SS will raise the noise floor.' While this is true in the abstract (just as any energy emitter makes some contribution to that which each receiver must differentiate), few real systems operate anywhere near the noise floor. Those amateurs that do would profit from applying SS technology. ... NBFM routinely operates with signal margins of 20 to 40 dB; because of this, the noise floor contribution of multiple SS systems is insignificant.

"Our investigations have conclusively demonstrated the viability of SS along side existing users and modes, that proper use of good engineering practice and appropriate design criteria practically eliminate postulated interference. Our work now is to produce and field enough SS systems that more amateurs can participate in their use and experience for themselves the merits.

"This NPRM is silent on another important aspect of the STA, particularly the authorization for the use of 50 MHz and above. The VHF bands have propagation properties which differ dramatically from UHF and up. It is precisely these characteristics that deserve investigation using SS and other coding technology. Two meters is the most heavily congested of the VHF bands; it also provides the best vehicle for proving the promise that CDMA has to offer in increasing spectrum utilization.

"Commercial systems have made the case of documenting this improvement when the spectrum is clear of other use... Amateur Radio has the potential for making an invaluable contribution: that there are gains available even when the spectrum used is occupied. It is my recommendation that the Commission adopt a change in the Rules permitting SS the VHF band operation that is given me and my associates in the STA.

"SS is the 1990's version of SSB, when it was introduced as an improvement to AM. The outcry I heard then rings familiar today, as the fearful contemplate this 'new' mode. ... SSB had a powerful influence in revolutionizing the communications art. I encourage and recommend that the Commission turn aside this [ARRL] proposal in favor of the direction and authorizations provided in the STA, further encouraging widespread SS introduction, utilization and evaluation." - *Robert A. Buaas, K6KGS, Huntington Beach CA, FCC spread spectrum Special Temporary Authorization holder*

MAN FOUND MAKING FALSE DISTRESS CALLS

The FCC and the U.S. Coast Guard combined forces on Feb. 12 to locate a man making false distress calls to the Coast Guard over his marine band VHF-FM radio. FCC tracked the radio signal to the man's home in Arnold, MD from where he had been broadcasting for more than five hours

The 25 year old man (whom the FCC did not identify) was found making calls and operating the radio without a license. The violations could result in both civil and criminal penalties up to \$10,000 and one year in jail per violation. In cases of false distress calls in which water and air resources are deployed, the caller can be held responsible for all costs associated with the search and rescue effort.

The Coast Guard receives thousands of calls a year from vessels operating in the upper Chesapeake Bay. Many of these come from boaters in trouble and result in extensive search and rescue efforts. Besides the legitimate calls, however, are those that are not. These can range from a quick "Mayday, Mayday, Mayday" with nothing further, to lengthy and detailed reports of invented shipboard fires and terrorist attacks. The Coast Guard investigates every distress call as if it were a true emergency.

In the case involving the Arnold man, the first call came across the radio at 11:55 p.m. on Feb. 11. The man reported that he was the master aboard the old tanker "Orion." He said the ship was on fire and sinking with 135 passengers on board. The man spoke calmly and could provide no consistent location information to the Coast Guard. He continued his distress calls, including a report of terrorists holding him captive at gunpoint over the next five hours.

Due to repeated inconsistencies and the incredible nature of the man's reports, the Coast Guard contacted the FCC in Columbia, MD, requesting an investigation. With sensitive radio frequency tracking equipment, FCC agents were able to trace a signal to Arnold and to the man's front door. The man admitted to making the false calls. The FCC is considering civil and criminal penalties in this case.

FCC ACTS TO PROTECT DISH OWNERS

On February 29, the FCC adopted new policies aimed at preempting the authority of state governments or local jurisdictions to delay or prevent home satellite antenna installation or to require exorbitant fees for antenna installation permits.

(Interestingly, the protections that the FCC originally proposed appeared to cover any kind of receive antenna. FCC officials told W5YI Report, however, that they will limit the final rules to satellite antennas only and that they did not intend to protect receive antennas gener-

ally.)

The Commission said it took new actions to "ensure that all Americans are able to have as many choices as possible for delivery of video programming and to facilitate access to all satellite services." It said it responded to "evidence that some local jurisdictions were inhibiting the growth of satellite services by enforcing overly restrictive and unreasonable zoning laws."

"In addition," the FCC said, "the Telecommunications Act of 1996, Section 207, directs the Commission to preempt non-federal restrictions that impair reception by antennas used in certain direct-to-home video services including Direct Broadcast Satellite services."

In the FCC's view, the revised preemption rule accommodates federal, state and local interests and provides the Commission with a way to review disputes that will avoid excessive federal involvement in local land-use issues.

The newly adopted rule makes several changes in the FCC's preemption policies. The Commission said it will review local disputes after exhaustion of only non-federal administrative remedies, not all litigation remedies as was previously required.

In other words, a complainant must show only that he or she has been unable to get permission to install the antenna. The FCC will no longer require that a court rule on the matter before the FCC can preempt the state or local authority.

The FCC concluded that if a request for permission to install the antenna has been pending before the local authorities for 90 days, then that is to be considered exhaustion of local remedies and the antenna owner may appeal to the FCC. Another example that will allow FCC involvement is if the state or local authority requires that the antenna owner spend more money for a permit than the antenna costs to purchase and install.

The FCC created two categories of "rebuttable presumptions" against regulation of small antennas. (The FCC is defining these small antennas as those one meter or less in all areas, and two meters or less in commercial areas.)

As we understand it, this means that the FCC will automatically consider local regulation of small satellite antennas unreasonable and preempt them, unless the local jurisdiction limits itself to "enforcement of justifiable health and safety regulation of these smaller antennas." A possible example of a permitted local regulation would be a requirement for strong mounting brackets, especially in areas exposed to intense winds. State and local governments can request waivers of the rule in unusual circumstances.

(The final rules in this proceeding had not been released as this issue went to press. Our information is based on FCC releases and a press conference.)