

# **CONFIDENTIAL**

## **Report of Meeting at FCC Private Radio Bureau**

**RE: NPRM 05-235**

**First Vice President Harrison & General Counsel Imlay**

**August 29, 2005**

Greetings,

On Monday, August 29, at the direction of President Haynie, Chris Imlay and I met with Mike Wilhelm at FCC to discuss NRPM 05-235 eliminating the Morse requirement for amateur licensing and denying our petition RM-10867 for "License Restructuring".

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In attendance at the invitation of Mr. Wilhelm were Bill Cross and Scott Stone of the Private Radio Bureau. As a point of reference, both Wilhelm and Cross are radio amateurs. Mr. Stone is an FCC attorney that as far as I know has very little knowledge of amateur radio and serves no purpose in these meetings other than to ridicule and belittle the attendees and interject confusion into the discussion, based on information I have heard from other non-amateur related meetings. Although he attempted this action twice during this meeting, he was not successful.

Chris and I had a 10:30 AM appointment for a 30-minute meeting with Wilhelm. We arrived a little early, at 10:15 AM, and were able to go right up to Wilhelm's office and begin the meeting.

I began by telling the group that we were not here to debate the Morse issue as a licensing requirement, nor to argue their refusal to resolve the licensing structure into an efficient "real" three class structure rather than the pseudo structure they have in place, but to discuss their reasoning for denying the amateur service a true entry level license that offered a broad array of operating privileges, on a limited basis, for newcomers to experience more of amateur radio. A concept of which was not only shared by ARRL, but by the NCVEC as well and many other individuals as well.

The first question I asked the group pertained to the reasoning behind the NRPM. The third reason stated in the NPRM for their proposal was that it would "promote more efficient use of the radio spectrum currently allocated to the amateur radio service". We wanted to know how you accomplish that by just eliminating the Morse requirement for testing? Stone immediately spoke up and said "Oh, that's just boiler plate language!" When Chris and I looked at them with a funny look, Wilhelm spoke up and said they believe this will generate many new licensees, therefore accommodating, say, 200,000 radio amateurs rather than 100,000 radio amateurs within a given spectrum is more efficient.

We still looked at them funny as simply dropping Morse, on its on, does not facilitate efficiency in our opinion.

The reason given in the NPRM for denying our petition was that FCC concluded it was not in the "public interest" to propose such. I asked what criteria they use for determining whether something is in the public interest. The only response was that they weigh all of the proposals to all of the comments received and reached that conclusion. We told them it was our belief that the greater public interest would be served by providing a more streamline amateur radio service that would provide a greater pool of trained radio operators with broader amateur radio experience, as we had proposed.

We then began discussing the concept of an expanded entry-level license. It is the FCC's position (actually, Bill Cross' I think since everyone turned to him for the explanation) that once the Morse requirement is dropped, there is a pool of some 300,000 Technician class licensees that will want to immediately upgrade to General by just simply taking another written exam. I told Cross that we do not dispute the fact that there will be "some" number of Technician class licensees that will immediately seek an upgrade when the Morse requirement is dropped, HOWEVER, no one has a clue how many that will be. I told them I would bet it would not be anywhere close to 100,000, let alone 300,000, and the reason Technician licensees are not upgrading is because the license doesn't offer enough to privileges to tweak their interest to advance, and that is much more than just related to the Morse requirement. They accepted "upgrade spike" wouldn't be anywhere near 300,000 but refused to accept there wouldn't be a big spike in upgrades. I again told them I did not dispute that whatsoever, but what is going to happen after this initial surge of "No-Morse" upgrades? What is going to happen 5 years down the road...10 years down the road to sustain growth in the amateur service? That completely floored them and they had absolutely no response to that question. It became obvious to me and Chris that they were not thinking about long-term growth but had focused on quick upgrades that would give the impression that their decision was a "popular" one and therefore the right choice.

Chris and I then began reiterating our position on the need for a real entry-level license. We made the point that it made no difference what the relaxed upgrade path was if we are unable to retain new radio amateurs after their initial amateur radio experience, and the Technician license in its current form did not offer enough amateur radio privileges to properly tweak that interest. We kept pressing the importance of providing limited HF phone privileges for entry-level licensees, as well as CW and digital privileges, and made the point that their position that our petition was not "in the public interest" was not correct, but rather exactly what our proposal addressed. Having more entry level radio amateurs being able to participate in section wide ARES and traffic nets provided a much larger pool of trained operators with a broad experience to provide emergency communications to the public, and that was definitely in the public interest.

Wilhelm inquired as to exactly how much HF phone spectrum we had proposed for our entry level license and on what bands. We told him and he indicated he felt that may be a bit too much, but he did not dispute our position.

Wilhelm asked if we had any statistics to support our claim that Technician Class licensees were becoming inactive due to the privileges of the license. We informed him

we do, that we have on more than one occasion conducted surveys, administered by professional firms, of members and non-members alike to reach our conclusion. He said he would be interested in these statistics, and we told him we would provide that information to him in the future, in some form.

We also attempted to obtain a better understanding of why additional consideration was not given to Technician class licensees in the NPRM, given the fact that Technician Plus class licensees have HF access due to having passed a 5 WPM Morse exam. If the NRPM is adopted, then the only difference in the two will be a 5 WPM Morse exam. If Morse is no longer a requirement for HF access or licensing in the U.S., then how can you restrict Technician's from having these same privileges? Cross attempted to use the argument that Technician Plus class licensees are considered to have passed an additional element with the 5 WPM exam, but we countered that could not be a valid argument because, if the NPRM is adopted, Morse no longer could be considered a valid reason for not allowing equivalent spectrum privilege access for radio amateurs who had passed the exact same written element.

Cross did not get the point, Wilhelm had no expression, and Stone was thinking about the upcoming holiday weekend. It was obvious we made a point on a matter they had overlooked.

It was now 11:00 AM, and Wilhelm politely ended the meeting by thanking us for requesting the meeting and coming by.

As we were departing, I thanked Wilhelm (at Dave Sumner's request) for FCC granting early, expanded access to the 40 meter band for some of the U.S. possessions. This was promoted by Cross who, on his own initiative, spearheaded this effort within FCC. Cross appeared very pleased that we had thanked him for something in front of his boss. Quite frankly, it personally turn my stomach to thank someone like Cross for doing the job he's paid to do anyway, and I was still irritated about his position on the NPRM, but who knows what such a small positive comment may do for us down the road and besides, I had promised Dave I would do so!

After the meeting, Chris and I met Paul Rinaldo for lunch to discuss a variety of technical related items.

Based upon the NPRM and our meeting, it is quite obvious that FCC will do *nothing* in this proceeding other than drop the Morse requirement for licensing. They believe that will provide a sufficient "modernization" of the amateur licensing requirements to promote growth in the amateur service and that three classes of amateur licenses are all that currently exist.

Based upon this, after deliberation with Chris and President Haynie, I offer the following three options for comment filing on NPRM 05-235.

### Option 1

Do nothing. Do not file any comments. We said what we had to say in our Petition, and no difference in outcome will be achieved by commenting. Why should we patronize them (or ourselves) with words that, in effect, have no meaning? The counter response is “Our members expect us to comment”. I’m not so sure they do and I would offer that 99% of them would not even notice. This strategy would definitely tell the FCC we think they are so far off base it doesn’t even deserve comment.

We would still pursue our objective of an entry level license, and I believe strongly that we should, but it is obvious the FCC will only consider our position a couple of years down the road when the initial spike of “no Morse requirement” upgrades are over and we present our statistics to them that it is the entry level license privileges this is stifling amateur growth.

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### Option 2

File comments only pertaining to the Technician/Technician Plus privilege issue to bring this matter to their attention publicly in writing, but make no comments regarding other parts of the NPRM.

### Option 3

A full court press.

We file comments on the NPRM detailing our disagreement with the FCC position and re-emphasize the points of our petition. We schedule a meeting with FCC Chairman Martin and provide to him copies of the letter Congressman Waldon and Congressman Ross jointly wrote to former FCC Chairman Powell requesting that FCC adopt our petition, as it presents the best approach for the future of amateur radio. We then work a “top down” press once again at FCC to sell our proposal.

More detail and comment will be provided to the Board and Executive Committee in the coming days as our response is developed prior to the comment-filing deadline of October 31, 2005.

Please contact me if you have any questions or comments. I’ll be happy to discuss the meeting with you.

Regards & 73,

Joel Harrison, W5ZN  
First Vice President.