

# Minutes of the Executive Committee, Number 474

## MINUTES OF EXECUTIVE COMMITTEE

### Number 474

Irving, Texas -- October 16, 2004

Pursuant to due notice, the Executive Committee of The American Radio Relay League, Inc. met at 8:32 AM CDT, Saturday, October 16, 2004, at the Dallas -- Fort Worth Airport Marriott North, Irving, Texas. Present were the following committee members: President Jim Haynie, W5JBP, in the Chair; First Vice President Joel Harrison, W5ZN; Executive Vice President and Secretary David Sumner, K1ZZ; and Directors Jay Bellows, K0QB, Frank Fallon, N2FF, George R. Isely, W9GIG, Rick Roderick, K5UR, and Walt Stinson, W0CP. Also present was General Counsel Christopher D. Imlay, W3KD.

1. On motion of Mr. Fallon the following agenda was agreed:

1. *Consideration of agenda for the meeting.*
2. *Continuation of Review of ARRL Standing Orders.*
3. *FCC ET Docket 04-37, Access Broadband over Power Line systems. Policy and strategy considerations following FCC adoption of Report and Order.*
4. *Regulation of subbands by signal bandwidth instead of by mode. Discussion of substance of draft Petition, and determination of proper time for filing.*
5. *Status of discussions on defining "Amateur" equipment to discourage illegal use of "10 meter" transceivers marketed to CBers and "freebanders."*
6. *Partnering with NPSTC (Minute 33, July 2003 Board Meeting). Discussion of strategies.*
7. *Orbital Debris Proceeding; Possible Assistance to AMSAT. Discussion of strategies looking forward, following IB Docket 02-54, and given AMSAT's Petition for Reconsideration.*
8. *ET Docket 00-258, 2390-2400 MHz. Determination of strategies after FCC Report and Order; possible frequency coordination planning with the Aerospace and Flight Test Telemetry Radio Coordinating Council ("AFTRCC").*
9. *Status of Pending FCC Items (Regulatory Status of Dockets).*
10. *Legislative matters.*
11. *International matters; Report on IARU Region 2 Conference.*
12. *Antenna and RFI cases.*
13. *Status of Chief Operating Officer position.*
14. *Review of Action Items.*
15. *Recognition of new Life Members.*
16. *Affiliation of clubs.*
17. *Approval of conventions.*
18. *Approval of minutes of March 13, 2004 meeting.*
19. *Other business.*

2. The Executive Committee reviewed the ARRL Standing Orders through No. 60 and formulated recommendations to the Board for deletion, modification, or retention.

3. Mr. Imlay reviewed the October 14 FCC action in ET Docket No. 04-37 concerning Broadband over Power Line (BPL) systems. The Report and Order has not yet been released, so all of the details of the new rules are not known. However, from what is known about them it is clear that they do not adequately protect over-the-air radiocommunication services from harmful interference. After the Report and Order appears in the Federal Register there will be a 30-day window for the filing of petitions for reconsideration. A petition for review in a federal Court of Appeals is an additional option. On motion of Mr. Roderick, the General Counsel was authorized to file a petition for reconsideration at the appropriate time. On motion of Mr. Isely, the General Counsel was further authorized to pursue other available remedies as to procedural and substantive defects in the proceeding.

The Committee was in recess for luncheon from 12:13 to 1:24 PM.

4. Mr. Haynie initiated discussion of comments received from members and others with regard to the substance of a draft ARRL petition for FCC rule making to regulate subbands by signal bandwidth rather than by mode of emission. In response to a synopsis of the petition and the proposed rules changes being available on the ARRL Web site, several hundred comments have been received from ARRL members and other amateurs from around the world. The Executive Committee found considerable support for the concept of the petition, along with constructive suggestions for revisions to reduce both the impact of the changes on current amateur operations, as well as possible unintended consequences.

The Executive Committee agreed to submit to the ARRL Board of Directors, for consideration at its January meeting, several recommended amendments to the proposed rules changes. These include:

- ? Restoration of the existing rules that permit automatically controlled digital stations in narrow HF subbands.
- ? A rule prohibiting so-called semi-automatic digital operation on frequencies where phone is permitted below 28 MHz.
- ? A segment for 3-kHz bandwidth (no phone) of 10.135-10.150 MHz to accommodate existing and planned future digital operations.
- ? Deletion of the word "continuous" from the description of test transmissions that are authorized on most frequencies above 51 MHz.
- ? Simplification of proposed changes to §97.309 to clarify that FCC-licensed amateur stations may use any published digital code as long as other rules are observed.

These recommendations are not intended to be the final word on the draft petition, but are intended to address the major issues raised to date. The Executive Committee members expressed their appreciation for the constructive input that has been received, and the hope that these recommendations will broaden the support for proceeding with the filing of a petition sometime in 2005.

5. Mr. Imlay discussed possible ways of addressing the problem of unlicensed operators using frequencies in the lower portion of the 10-meter amateur band through a definition of "Amateur Radio equipment" that would not include equipment that is popular with these operators. Such a

definition would prevent the marketing of equipment intended principally for the "freelancer" market, but could also have undesirable consequences. The Committee will continue to study the matter.

6. Mr. Imlay reported on the status of discussions with the National Public Safety Telecommunications Council (NPSTC) regarding how some amateur microwave spectrum might possibly be shared with public safety agencies to mutual benefit. Development of a plan requires a better understanding of public safety's needs that might be addressed via the capabilities of the Amateur Radio Service. Mr. Imlay will continue discussions with NPSTC.

7. AMSAT-NA has filed a petition for reconsideration of the FCC decision in IB Docket No. 02-54, the so-called "orbital debris" proceeding. Recognizing that its petition may not be successful, AMSAT has accepted an offer by ARRL Chief Technology Officer Paul Rinaldo, W4RI, to assist in drafting a standard orbital debris mitigation plan for amateur satellites.

8. Mr. Imlay noted that on October 14, the FCC adopted a Report and Order in ET Docket No. 00-258 that is believed to introduce a new sharing partner, government and non-government aeronautical flight test telemetry, for the amateur service in the 2390-2395 MHz band. The sharing arrangement may require a coordination arrangement between the representatives of the two services. The Report and Order will be reviewed as soon as it is released.

9. Mr. Imlay briefly reviewed the status of pending FCC dockets of interest to the Amateur Radio Service. With regard to WT Docket 04-140, the so-called "omnibus" Part 97 rulemaking that includes the ARRL's proposal for refarming of the HF Novice bands, he predicted that the FCC would not take final action until after it issues a Notice of Proposed Rule Making on license restructuring sometime next year.

#### 10. Legislative matters

10.1. Mr. Sumner reported that there are 37 sponsors and co-sponsors of HR 1478, the Amateur Radio Emergency Communications Consistency Act. With regard to the Amateur Radio Spectrum Protection Act, HR 713 and S 537, there are 108 sponsors and co-sponsors in the House and 9 sponsors and co-sponsors in the Senate. There are still opportunities to add co-sponsors prior to final adjournment of the 108<sup>th</sup> Congress, but the legislation is unlikely to move forward in the limited time remaining. The ARRL legislative agenda for the 109<sup>th</sup> Congress will be considered at the 2005 Annual Meeting of the Board in January.

10.2. Mr. Fallon reported for the Ad-Hoc Committee on Grassroots Lobbying, which has continued its work since the 2004 Second Meeting of the Board in July. Several details regarding implementation of Minute 9 of the 2004 Second Meeting are in the process of being settled.

11. Messrs. Haynie, Harrison, and Sumner reported briefly on their attendance at the IARU Region 2 Conference in Port of Spain, Trinidad, September 27 -- October 1. The number of member-societies represented was lower than previous conferences. ARRL International Affairs Vice President Rod Stafford, W6ROD, was elected President of IARU Region 2.

## 12. Antenna and RFI cases

12.1. In *Smith v. County Commissioners of Bernalillo County, New Mexico*, Gerry Smith, W6TER, has argued his case before the New Mexico Supreme Court. No action has been taken yet by the Court.

12.2. A suit claiming damages for interference brought by a Part 15 operator, WebPerception, against several parties including one radio amateur, has been settled on terms favorable to the amateur.

12.3. Mr. Imlay testified as an expert in a case in Montgomery County, Maryland, brought by neighbors of an amateur seeking to rescind permits that he has obtained for four towers. A requested preliminary injunction was denied and the towers are being installed.

13. Mr. Sumner reported on the search to fill the Chief Operating Officer vacancy and responded to questions concerning temporary reporting relationships.

14. The Committee reviewed a tracking chart prepared by staff summarizing the status of pending action items assigned by the Board.

15. On motion of Mr. Bellows, 153 recently elected life members were recognized and the Secretary was instructed to list their names in *QST*.

16. On motion of Mr. Bellows, the following clubs were declared affiliated:

### **Category 1**

Boyer Valley Amateur Radio Club, Logan, IA  
Buchanan County Amateur Radio Club, Cogson, IA  
Chippewa Valley VHF Contesters, Eau Claire, WI  
Clarksville Operating Radio Enthusiasts Group, Clarksville, TN

### **Category 2**

Iowa 75-Meter Net, Stanwood, IA  
Tri-State Amateur Radio Club, Verdon, NE

The following clubs previously had been affiliated by mail vote:

### **Category 1**

Albany County Amateur Communications Emergency Services Radio Club, Voorheesville, NY  
Amateur Radio Club of Alameda, Alameda, CA  
Amateur Radio Public Service Corps of Hamilton County, Cincinnati, Ohio  
Arkansas Diamond Amateur Radio Club, Morrilton, AR  
Black River Region-ARES®, Black River Falls, WI

Boumi Temple Amateur Radio Club, Baltimore, MD  
Connecticut AM Society, Danielson, CT  
Eva Amateur Radio Club, Eva, AL  
Fountain Valley Amateur Communications Team, Fountain Valley, CA  
Heart of Texas Ham Operators Group, Brady, TX  
Horseshoe Amateur Radio Club, West Chester, PA  
Howell County Amateur Radio Club, West Plains, MO  
Just A Bunch of Amateurs, Fowlerville, MI  
KY Indiana DX Association, Owensboro, KY  
Macon-Bibb EMA Amateur Radio Group, Macon, GA  
McKinney Emergency Repeater Association, McKinney, TX  
Middle East Tennessee Emergency Radio Service, Knoxville, TN  
Nacogdoches County Emergency Communications, Nacogdoches, TX  
Narragansett Bay Amateur Radio Club, Lincoln, RI  
"On Station" Amateur Radio Club, Secane, PA  
Pahrump Amateur Radio Repeater Association, Pahrump, NV  
Polk County Amateur Radio Association, Balsam Lake, WI  
Reno QRP Group, Reno, NV  
Saratoga Amateur Radio Association, Saratoga, CA  
Silver Comet Amateur Radio Society, Hiram, GA  
Sunlife Amateur Radio Club, Mesa, AZ  
The Villages Amateur Radio Club, The Villages, FL  
Wappack Trail Amateur Radio Association, New Ipswich, NH  
West River Radio Club, Putney, VT  
Zero Beaters Amateur Radio Club, Washington, MO

## **Category 2**

Michigan VHF-UHF Society, White Lake, MI

## **Category 3**

Amateur Radio Club of Trinity, Camp Hill, PA  
Patriot Amateur Radio Club - The University of Texas at Tyler, Tyler, TX  
Sussex Technical Amateur Radio Club, Georgetown, DE  
University of Dayton Amateur Radio Club, Dayton, OH

## **Category 4**

Central Oklahoma Radio Amateurs, Dell City, OK

The ARRL now has the following numbers of active affiliated clubs: Category 1, 1945; Category 2, 52; Category 3, 116; Category 4, 19; Total, 2132.

17. On motion of Mr. Bellows, the holding of the following ARRL conventions in 2005 was approved:

NYC/LI Section, January 9, Bethpage, NY  
Southern Florida Section, February 4-6, Miami  
North Carolina State, March 12-13, Charlotte  
Wyoming State, May 27-29, Casper  
Arizona State, July 8-10, Williams  
Texas State, August 5-6, Austin  
W9DXCC, September 16-17, Elk Grove Village, IL

The following conventions previously had been approved by mail vote:

*2004*

International DX, April 23-25, Visalia, CA  
Louisiana State, April 30-May 1, Baker  
EMCOMMWEST, May 22-23, Reno, NV  
YLISSB Operating Specialty, June 17-20, Nashville, TN  
Montana State, July 16-18, East Glacier  
Pacific Northwest DX, July 16-18, South Everett, WA  
3905 Century Club Operating Specialty, July 30-August 1, Wilsonville, OR  
SETI League Technical Symposium, August 6-8, Ewing Township, NJ  
New Mexico State, August 20-21, Albuquerque  
Missouri State, August 21, Columbia  
Alaska State, September 11-12, Anchorage  
Maryland/DC Section, September 11-12, Gaithersburg  
Western Pennsylvania Section, September 12, Butler  
Illinois State, September 17-19, Peoria  
Arkansas State, September 18, Jacksonville  
Pacific Northwest VHF, October 1-2, Moses Lake, WA  
Northern New York Section, October 8-9, Lake Placid  
AR Lighthouse Society Operating Specialty, October 8-9, Kill Devil Hills, NC  
Connecticut State, October 10, Wallingford  
Michigan State, November 5-6, Holland  
West Central Florida Section, December 4-5, Palmetto

*2005*

Mississippi State, February 4-5, Jackson  
Northern Florida Section, February 11-13, Orlando  
Louisiana State, March 11-12, Rayne  
Oklahoma State, March 18-19, Claremore  
Great Lakes Division, March 19, Toledo, OH  
International DX, April 15-17, Visalia, CA  
South Dakota Section, April 16, Sioux Falls  
EMCOMMWEST, May 14-15, Reno, NV  
Oklahoma Section, July 15-16, Oklahoma City  
Western Pennsylvania Section, September 11, Butler

Pacific Division, October 14-16, San Ramon, CA  
Microwave Update Operating Specialty, October 27-30, Cerritos, CA

Pacific Division, October 13-15, 2006, San Ramon, CA

18. On motion of Mr. Bellows, the minutes of the March 13, 2004 Executive Committee meeting were approved in the form in which they had been distributed.

19. Other business

19.1. Mr. Bellows reported briefly for the Ad Hoc 2005 National Convention Committee. At the committee's request the following appointments were formalized: Director Jim Weaver, K8JE, will serve as ARRL Liaison to the Dayton Hamvention Committee, and Sales and Marketing Manager Dennis Motschenbacher, K7BV, will serve as the Headquarters project manager. Plans are being developed for an "ARRL Expo" area at the convention where specific activities and programs can be showcased.

19.2. Mr. Fallon asked if a mechanism can be established so donations of equipment to ARES groups can be made through the ARRL. Mr. Imlay noted that donations of fully depreciated equipment do not provide a tax benefit to the donor. Such donations are best made directly to the local group.

19.3. A request for ARRL financial support of a scholarship program had been received. Not all members of the Executive Committee had seen the letter. The Secretary was asked to circulate the letter for later discussion.

19.4. Arrangements for the 2005 Annual Meeting of the Board were discussed briefly. There being no further business, on motion of Mr. Harrison, the meeting was adjourned at 5:29 PM.

Respectfully submitted,

David Sumner, K1ZZ  
Secretary