

Minutes of the Executive Committee, Number 473

MINUTES OF EXECUTIVE COMMITTEE Number 473

Irving, Texas -- March 13, 2004

Pursuant to due notice, the Executive Committee of The American Radio Relay League, Inc. met at 8:34 AM Central Standard Time, Saturday, March 13, 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 were International Affairs Vice President Rodney J. Stafford, W6ROD, Directors Frank M. Butler, W4RH, and Coy Day, N5OK, and General Counsel Christopher D. Imlay, W3KD.

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

1. Consideration of agenda for the meeting

2. Plan of work for the committee for 2004

- o Continuation of Review of ARRL Standing Orders*
- o Annual Review and Updating of ARRL Strategic Plan*

3. Policy and strategy considerations re: FCC ET Docket 04-37, Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line (BPL) systems

4. ARRL License Restructuring Petition and other restructuring/Morse petitions

5. Alignment of FCC Part 97 Rules to revised Article 25 of the international Radio Regulations

6. Commerce Department, NTIA Notice of Inquiry, Docket No. 040127027-4027-01, Development of U.S. Spectrum Policy for the 21st Century. Review of draft comments, due March 18, 2004

7. Establishment of policy on FCC ET Docket 03-237, Establishment of an Interference Temperature Metric to quantify and manage interference and to expand available unlicensed operation in certain fixed, mobile and satellite frequency bands (comments due April 5, reply comments due May 5, 2004)

8. FCC ET Docket 03-108, Facilitating opportunities for flexible, efficient, and reliable spectrum use employing cognitive radio technologies; Notice of Proposed Rule Making and Order. Establishment of policy, especially regarding limitations on frequency agility for Amateur SDR equipment (comments due May 3, reply comments due June 1, 2004)

9. Minute 64, July 2002 Board Meeting. Regulation of subbands by signal bandwidth instead of by mode. Consideration of revised draft Petition for Rule Making

10. Definition of Amateur Radio equipment for Equipment Authorization and Importation purposes

11. Minute 33, July 2003 Board Meeting. Exploration of specific terms of expanded

partnering plans with NPSTC looking toward greater integration of amateur operation in the bands 902 MHz to 24.25 GHz in Public Safety and Homeland Security Communications. Review of status (matter was not ripe for consideration at November 2003 EC Meeting)

12. Review of status of other pending FCC matters

13. Legislative matters -- status of ARRL Legislative Agenda for 108th Congress

14. Report of the Election and Ethics Committee

15. International matters

16. Antenna and RFI cases

17. Review of pending action items

18. Recognition of new Life Members

19. Affiliation of clubs

20. Approval of conventions

21. President's Award

22. Approval of minutes of November 9, 2003 meeting (Number 472)

23. Date and place of next EC meeting

24. Other business

2. Plan of work for 2004

2.1. The Board has asked the Executive Committee "to complete the review of Standing Orders at its earliest convenience, consistent with other organizational priorities." After discussion it was agreed that the new EC members will review the Standing Orders and offer their suggestions for retention, deletion, or modification by April 30.

2.2. Annual reviewing and updating of the ARRL Strategic Plan is the responsibility of the Executive Committee. After discussion it was agreed that the other standing committees would be requested to provide input by June 1 as to possible revisions of the Strategic Plan and the recommendation of items to be selected for action in 2005. After June 1 the Executive Committee will review the input and develop recommendations for Board consideration at its July 2004 meeting.

3. A memorandum from the Chief Executive Officer outlining ARRL strategy to address concerns about interference from Broadband over Power Line (BPL) systems was reviewed. It was agreed that comments on the FCC's Notice of Proposed Rule Making in ET Docket No. 04-37 will be drafted seeking a radiated emission limit sufficient to protect mobile stations; required testing and measurement of a BPL system by an independent laboratory to ensure compliance prior to initiation of service; elimination of loopholes that permit the inappropriate extrapolation of measurements; clear notice to consumers as to the regulatory limits governing BPL systems; performance standards for interference mitigation; and severe enforcement penalties for non-compliance. ARRL's public relations and Congressional informational efforts will align with this strategy. During the course of discussion it was noted that Rochester (Minnesota) Public Utilities has invited the Rochester Amateur Radio Club to participate in a BPL field trial that is expected to begin in July 2004; unlike some others, this field trial includes a serious effort to assess interference. It was also noted that FCC Commissioners continue to claim erroneously that BPL has potential to bring low-cost broadband service to rural areas.

During the course of the discussion, the Executive Committee was in recess briefly for the presentation of a 50-year membership plaque to Robert S. Kellow, W5LT.

4. Mr. Harrison reported on the status of the ARRL license restructuring petition. The petition was filed on January 28 but has not been assigned an RM-number by the FCC. A petition proposing a similar structure, but with no Morse exam for the Extra Class license and somewhat different entry-level privileges, has been filed by the National Conference of Volunteer Examiner Coordinators. On balance, member comment on the ARRL proposal has been generally supportive although there is a significant body of opinion opposed to "automatic upgrades."

5. The modification of Article 25 of the international Radio regulations at the 2003 World Radiocommunication Conference, which took effect on 5 July 2003, requires changes in FCC Part 97 to bring the domestic regulations into alignment. After discussion, on motion of Mr. Isely, the General Counsel was authorized to file a petition to accomplish this through modification of §97.115 and §97.117.

6. In advance of the meeting, the Committee had been provided a copy of draft comments in response to the NTIA Notice of Inquiry, Docket No. 040127027-4027-01, *Development of U.S. Spectrum Policy for the 21st Century*. After review and discussion, on motion of Mr. Roderick, the General Counsel was authorized to make editorial corrections and to file the comments by the March 18 deadline.

The Committee was in recess for luncheon from 12:00 to 1:08 PM.

7. Mr. Imlay reported on progress in preparing comments for filing in response to FCC ET Docket 03-237, "Establishment of an Interference Temperature Metric to quantify and manage interference and to expand available unlicensed operation in certain fixed, mobile and satellite frequency bands." The comment deadline is April 5.

8. Mr. Imlay also reported on progress being made by the Technical Relations Office in drafting comments on the Notice of Proposed Rule Making in FCC ET Docket 03-108, "Facilitating opportunities for flexible, efficient, and reliable spectrum use employing cognitive radio technologies." ARRL's interest in this proceeding is to ensure that amateurs continue to enjoy flexibility in experimenting with software defined radios (SDR). The draft is to be circulated to the Committee in advance of the May 3 deadline.

9. At Minute 64 of its July 2002 meeting the ARRL Board of Directors authorized the filing "at the next practical opportunity" of a petition to revise Part 97 of the FCC Rules to regulate subbands by signal bandwidth instead of by mode. The Committee discussed a draft petition. On motion of Mr. Isely, the Chief Executive Officer was authorized to release a synopsis of the petition, explaining what is being proposed and why, for member review and comment. Mr. Haynie and Mr. Day left the meeting temporarily at 1:45 PM, and Mr. Harrison assumed the Chair.

10. Mr. Imlay reported that there is interest among legitimate CB manufacturers in amending the FCC rules so as to prevent competitors from offering equipment that is clearly designed for the illegal CB market for sale as "amateur" equipment, thus circumventing the FCC rules. Such a rules change might reduce the number of unlicensed intruders into the lower portion of the 10-meter amateur band, which FCC Special Counsel Riley Hollingsworth agrees is one of the most urgent enforcement issues facing Amateur Radio. On the other hand, a rules change must be crafted so as to not trigger equipment authorization requirements for legitimate amateur equipment, or to increase the cost of amateur equipment or reduce its utility when used for authorized purposes by licensed amateurs. It was agreed that the ARRL should continue a dialogue with interested parties to develop a rules proposal that will achieve these objectives.

11. Mr. Imlay reported briefly on the very positive relationship that exists between ARRL and the National Public Safety Telecommunications Council (NPSTC). He and Jon Siverling, WB3ERA, attended a NPSTC meeting on March 10 to make a presentation on BPL. Work has not yet progressed on the specific topic raised at Minute 33 of the July 2003 Board meeting (see agenda).

12. Mr. Imlay reviewed the status of pending FCC matters. With regard to ET Docket No. 00-258 concerning the 2390-2400 MHz band, where the amateur service is primary, restrictions on amateur operation proposed by the Aerospace & Flight Test Radio Coordinating Council (AFTRCC) are not acceptable and it appears that a mutually satisfactory arrangement cannot be negotiated.

13. Mr. Sumner reported that there are 35 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 90 sponsors and co-sponsors in the House and 9 sponsors and co-sponsors in the Senate.

14. Agenda item 14 was deferred until Mr. Haynie's return to the meeting.

15. International matters

15.1. Mr. Stafford reported briefly on the IARU Region 3 Conference, held in Taipei on February 16-20. The ARRL represents FCC licensees in Region 3, e.g. those in Guam, the Northern Marianas, and American Samoa, in this regional organization. During this report, Mr. Haynie returned to the meeting at 2:40 PM and assumed the Chair. The state of relations with ARRL members in that part of the Pacific Section located in Region 3 was discussed. On motion of Mr. Fallon, the Executive Committee authorized the filing of a petition to seek early access for FCC licensees in Region 3 to the band 7.100-7.200 MHz, if support for such a petition can be developed in the affected area.

15.2. Mr. Stafford also reported that preparations were proceeding well for the IARU Region 2 Conference to be held in Port of Spain, Trinidad & Tobago, September 27-October 1. The ARRL delegation will be led by Mr. Haynie and will include Messrs. Sumner, Butler, and Siverling, and perhaps others.

Returning to agenda item 14, at 3:00 PM, on motion of Mr. Roderick the Committee went into executive session to receive a report from the Election and Ethics Committee. This session concluded at 3:57 PM. Mr. Day returned to the meeting.

16. Antenna and RFI cases

16.1. Mr. Imlay reported that for the third time the ARRL has filed an *amicus* brief in *Smith v. County Commissioners of Bernalillo County, New Mexico*. The case, brought by Gerry Smith, W6TER, in order to retain antennas for which he was originally granted a building permit, is now before the New Mexico Supreme Court. The *amicus* brief dealt with Equal Protection and Due Process issues, and a "standardless" review process for land use permit applications that in effect was created by a lower Court.

16.2. WebPerception, an Internet service provider in Marin County, California, has sued a radio amateur (among others) claiming damages for interference to its Wi-Fi system operating under Part 15 of the FCC Rules. The suit is of course utterly groundless, because Part 15 devices are explicitly denied protection from interference by an authorized radio station. The ARRL is assisting the amateur's attorney in having the suit dismissed as quickly as possible.

17. The Committee reviewed a tracking chart prepared by staff summarizing the status of pending action items assigned by the Board. With regard to Minute 57 of the January 2004 Board Meeting, the Committee agreed that the Ad Hoc Committee could begin its work with as few as three members.

18. On motion of Mr. Fallon, 69 recently elected life members were recognized and the Secretary was instructed to list their names in *QST*.

19. On motion of Mr. Roderick, the following clubs were declared affiliated (all Category 1):

Blackberry REACT, Inc, Mountain View, CA
Chippewa Valley Amateur Radio Club, Chippewa Falls, WI
Ham Radio Group of Bethlehem, Bethlehem, PA
High Desert Amateur Radio Club of New Mexico, Inc, Rio Rancho, NM
Izaak Walton Portable Radio Operators Club, Bloomfield Hills, MI
Marin OES, San Rafael, CA
Moapa Valley Amateur Radio Club, Logandale, NV
Northwest Indiana Skywarn, Wheatfield, IN
Pikes Peak DX Group, Colorado Springs, CO
Southern Oklahoma Amateur Radio Emergency Services & Scientific Society, Overbrook, OK
Tippah Amateur Radio Association, Ripley, MS
Tri-County Amateur Radio Club, Fort Atkinson, WI

The following clubs previously had been affiliated by mail vote:

Category 1

Big Sandy Amateur Radio Club, Kirk, CO
Lakes Area Repeater Association, Shoreview, MN
America West Amateur Radio Club, Tempe, AZ

Category 2

Atlantic Amateur Association, Naples, FL

Category 3

Noble Odyssey Foundation Radio Club, West Lake, MI

The ARRL now has the following numbers of active affiliated clubs: Category 1, 1857; Category 2, 48; Category 3, 109; Category 4, 17; Total, 2031.

20. There were no applications for ARRL conventions offered for approval. The following conventions previously had been approved by mail vote:

2004

Tennessee State, February 14-15, Memphis
Virginia State, February 22, Richmond
West Texas Section, March 20-21, Midland
Maine State, March 26-27, Lewiston
Eastern VHF/UHF Conference, April 16-18, Enfield, CT
South Carolina Section, May 1, Greenville
Alabama Section, May 1-2, Birmingham
Georgia Section, June 5, Marietta
Tennessee Section, June 11-12, Knoxville
Texas State, August 6-7, Austin
Western New York Section, August 7-8, Williamsville
Alabama State, August 21-22, Huntsville
Roanoke Division, September 18-19, Virginia Beach, VA
Pacific Division, October 15-17, San Ramon, CA
South Carolina State, October 23, Sumter

2005

Southeastern Division, August 20-21, Huntsville

21. On motion of Mr. Fallon, the ARRL President's Award was conferred on a recipient to be announced later.

22. On motion of Mr. Harrison, the minutes of the November 9, 2003 Executive Committee meeting were approved in the form in which they had been distributed.

23. The next meeting of the Executive Committee was tentatively scheduled for Saturday, October 16, in the Dallas-Fort Worth area.

24. There being no further business, on motion of Mr. Roderick, the meeting was adjourned at 5:08 PM.

Respectfully submitted,

David Sumner, K1ZZ
Secretary