

Minutes of the Executive Committee, Number 476

MINUTES OF EXECUTIVE COMMITTEE

Denver Colorado -- April 9, 2005

Pursuant to due notice, the Executive Committee of The American Radio Relay League, Inc. met at 8:40 AM MDT, Saturday, April 9, 2005, at the Denver Airport Marriott at Gateway Park, Colorado. Present were the following committee members: President Jim Haynie, W5JBP, in the Chair; First Vice President Joel Harrison, W5ZN; Chief Executive Officer and Secretary David Sumner K1ZZ; and Directors Frank Butler, W4RH, Frank Fallon, N2FF, George R. Isely, W9GIG, Rick Roderick, K5UR, and Wade Walstrom, W0EJ. Also present were General Counsel Christopher D. Imlay, W3KD, and Midwest Division Vice Director Bruce Frahm, K0BJ, at the invitation of the Committee.

The meeting began with the showing of a pre-release version of a new 10-minute video prepared by a team of volunteers, *The ARRL Goes to Washington*, which depicts the ARRL's efforts on behalf of Amateur Radio on Capitol Hill.

1. The following agenda as previously circulated was agreed:

1. *Consideration of agenda for the meeting.*
2. *Regulation of subbands by signal bandwidth instead of by mode; consideration of remaining issues.*
3. *Review and recommendations for updating of ARRL Strategic Plan.*
4. *Status of reconsideration proceeding in FCC ET Docket No. 04-37 (BPL), pending and planned interference complaints, and development of action plan from this point forward including possible court appeal.*
5. *Effect of National Programmatic Agreement for review under the National Historic Preservation Act (FCC WT Docket No. 03-128); effect of Agreement on amateur antennas and need for clarification or exemption.*
6. *Southern California enforcement matter.*
7. *Status of 5 MHz domestic allocation.*
8. *Future National Public Safety Telecommunications Council (NPSTC) participation.*
9. *HR 298 and HR 1183, House bills to require public access to Desecheo and Navassa Islands.*
10. *Status of National Frequency Coordinators' Council, Inc. (NFCC).*
11. *Strategy for completion of review of ARRL Standing Orders.*
12. *ARRL request for FCC declaratory ruling to preempt Florida statute on unlicensed operation and interference to broadcast stations.*
13. *Report on arrangements for ARRL 2005 National Convention.*
14. *Relationship with Civil Air Patrol.*
15. *Relationship with United States Power Squadrons.*
16. *Status of pending FCC items (regulatory status of dockets).*
17. *Legislative matters.*
18. *International matters.*
19. *Antenna and RFI cases.*

20. *Review of Board action items.*
21. *Recognition of new Life Members.*
22. *Affiliation of clubs.*
23. *Approval of conventions.*
24. *Approval of minutes.*
25. *Other business.*

2. The Committee considered the remaining issues to be resolved in order to provide the Board with a recommended FCC Petition for Rule Making on regulation of subbands by signal bandwidth. This process began with Minute 64 of the July 2002 Meeting of the ARRL Board of Directors. In August 2004 members were given a synopsis of the draft petition and were invited to comment. Members again were invited to comment on the remaining unresolved issues in early 2005. The Board has requested an amended petition and a further report from the Executive Committee for its July 2005 meeting.

After extensive discussion, it was agreed that the rules changes to be requested must stand the test of time over at least the next five to ten years. Because it is so difficult and time-consuming to change FCC rules, and because developments in digital communications are occurring so rapidly and are likely to continue, relying on the FCC rules to maintain separation between incompatible modes of Amateur Radio operation will not result in optimal use of our limited allocations and could impede developments that will benefit the Amateur Radio Service and increase the value of our service to the public. More effective HF band planning mechanisms must be developed by the ARRL and the IARU so that these issues can be addressed effectively within the Amateur Radio community.

Accordingly, it was agreed by consensus to recommend a regulatory regime based almost entirely on emission bandwidth, with exceptions only to the extent necessary to preserve all existing privileges that amateurs are now using. Further subdivision as may be required for orderly amateur communication would be determined by band planning mechanisms internal to Amateur Radio. Semi-automatic operation (with a control operator required to be on duty at one of the two stations in communication) would be permitted throughout the bands, with management of interference through a combination of technology and respectful operating practices. Automatic control would be permitted only in certain narrow subbands.

Double-sideband AM and independent sideband would continue to be permitted up to the bandwidths necessary for those emissions, 9 kHz and 6 kHz respectively. Otherwise, the widest bandwidth permitted below 29.0 MHz would be 3 kHz.

Band by band, the following bandwidth limits by FCC rule are recommended, with additional subdivisions and limitations to be determined by band planning:

160 Meters

1.800-2.000 MHz up to 3 kHz

80/75 Meters

3.500-3.580 MHz up to 200 Hz

3.580-3.620 MHz up to 500 Hz
3.620-3.635 MHz up to 3 kHz with automatic control
3.635-4.000 MHz up to 3 kHz

40 Meters

7.000-7.035 MHz up to 200 Hz
7.035-7.100 MHz up to 500 Hz
7.100-7.105 MHz up to 3 kHz with automatic control
7.105-7.300 MHz up to 3 kHz

30 Meters

10.100-10.120 MHz up to 200 Hz
10.120-10.135 MHz up to 500 Hz
10.135-10.140 MHz up to 3 kHz
10.140-10.150 MHz up to 3 kHz with automatic control

20 Meters

14.000-14.065 MHz up to 200 Hz
14.065-14.100 MHz up to 500 Hz
14.100-14.112 MHz up to 3 kHz with automatic control
14.112-14.350 MHz up to 3 kHz

17 Meters

18.068-18.100 MHz up to 200 Hz
18.100-18.110 MHz up to 500 Hz
18.110-18.168 MHz up to 3 kHz

15 Meters

21.000-21.080 MHz up to 200 Hz
21.080-21.150 MHz up to 500 Hz
21.150-21.160 MHz up to 3 kHz with automatic control
21.160-21.450 MHz up to 3 kHz

12 Meters

24.890-24.920 MHz up to 200 Hz
24.920-24.930 MHz up to 500 Hz
24.930-24.990 MHz up to 3 kHz

10 Meters

28.000-28.050 MHz up to 200 Hz
28.050-28.120 MHz up to 500 Hz
28.120-28.189 MHz up to 3 kHz with automatic control
28.189-29.000 MHz up to 3 kHz

29.000-29.700 MHz up to 16 kHz

The 60-meter band would not be affected, as it is a special case with rules dictated by federal government sharing requirements.

These recommendations will form the basis for the Executive Committee's report to the Board for its July meeting. No Petition for Rule Making is to be filed until ordered by the Board.

3. The ARRL Strategic Plan was reviewed. On motion of Mr. Isely, it was agreed that a new goal relating to technical advancement would be developed with strategies to consolidate related activities. Drafting is to be completed via teleconference in June for a recommendation to the Board in July.

On further motion of Mr. Harrison, it was agreed to recommend the following strategies to the Board for inclusion in the 2006 Operational Plan:

A6. Develop a database in support of the ARRL's advocacy program.

A11. Determine the ARRL resources required to address the advocacy goal and complete the related strategies.

A12. Prioritize legislative and regulatory issues to determine ARRL's response and the dedication of resources to that response.

B1. Improve members-only features of the ARRL Web site.

One or more strategies relating to technical advancement may also be added.

It was noted that the subject of Strategy A4, "Investigate the formation of a PAC," has been considered in the past and that it should be possible to report completion of action on this item during 2005. As a 501(c)(3) entity, the ARRL is not permitted to participate in the formation of a PAC.

The Committee was in recess for luncheon from 12:05 to 1:30 PM.

4. Mr. Imlay reported that the pleading cycle on petitions for reconsideration of the FCC Report and Order on Broadband over Power Line (BPL) is now closed. The FCC still has not taken effective enforcement action in a single case of ongoing interference from BPL systems. He noted there are at least two strong procedural bases for challenging the Report and Order in the United States Court of Appeals. After discussion, Mr. Imlay was instructed to develop a recommendation for outside counsel to assist with such an appeal.

5. Mr. Imlay reported that the FCC Report and Order in WT Docket 03-128, "Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act of 1966," has implications for radio amateurs wishing to install antennas near historic places. Required procedures could be cumbersome and expensive. It was agreed that ARRL staff should initiate

discussions with FCC staff to determine the best way to minimize the burden on both radio amateurs and the FCC.

6. The status of enforcement action against an unlicensed individual in Southern California was reviewed. The process has been unacceptably slow, resulting in ongoing and severe interference to repeater operation in the Los Angeles area. Mr. Imlay reported that there is reason for optimism that this sorry situation soon will be resolved.

7. Mr. Haynie reported on recent informal discussions with personnel at the National Telecommunications and Information Administration (NTIA) regarding the possibility of increasing privileges for amateurs in the 5-MHz (60 meter) band in view of the favorable experience to date with the sharing arrangement with federal government stations. Information is being gathered for a possible presentation to federal government spectrum managers.

8. Mr. Imlay reported on the status of ARRL involvement in the National Public Safety Telecommunications Council (NPSTC). ARRL is a voting member. Contacts developed through NPSTC have been helpful in the battle against BPL interference. After discussion it was agreed that the ARRL should designate a representative to attend all meetings of the NPSTC Governing Board, and should participate in committees and subcommittees as required.

9. Two bills, HR 298 and HR 1183, have been introduced in the U.S. House of Representatives seeking public access to Navassa Island and Desecheo Island in the Caribbean. The bills are of interest to radio amateurs because Navassa and Desecheo Islands are DXCC entities. HR 298 also seeks access to the Farallon Islands in California, and because of that has attracted opposition. The only co-sponsor of HR 298 has withdrawn his support and the bill is not expected to be considered. Committee members noted that HR 1183 is not on the ARRL legislative agenda and that the ARRL is not devoting resources to its passage, but neither does there appear to be any reason for the ARRL to distance itself from the bill.

10. Mr. Haynie observed that the National Frequency Coordinators' Council, Inc. (NFCC), with which the ARRL has a Memorandum of Understanding, appears to be inactive. After discussion, it was agreed to request that the most recent officers of record of NFCC report the current and expected future status of the organization so the ARRL can determine an appropriate course of action.

11. It was agreed that committee members will review the ARRL Standing Orders beginning with Standing Order 59 and will provide their recommendations for retention, deletion, or modification by May 1. The Secretary will issue a matrix showing the recommendations of each committee member.

12. Mr. Imlay reported that the recent ARRL petition to the FCC, seeking a declaratory ruling that a Florida statute aimed at pirate broadcasters was preempted by the Communications Act, had led to a contact from the Florida Broadcasters Association (FBA). FBA recognizes that the Florida statute is defective but prefers to address the problem either through interpretation of legislative intent or through amendment by the Florida legislature. The ARRL has provided draft legislation to FBA that would correct the legislative error. However, FBA has said that the

ARRL draft represents too much of a departure from the existing statute. Therefore, the only solution appears to be the FCC declaratory ruling. However, while the FCC is obligated to issue the declaratory ruling in order to defend federal preemption of the field of radio interference, the FCC will be in no hurry to do so because pirate broadcasting in Florida has reached epidemic proportions and the FCC is ill-equipped to meet its enforcement obligations.

13. Mr. Sumner reported on preparations for the ARRL 2005 National Convention, to be held in Dayton, Ohio May 20-22. A large "ARRL Expo" area is being provided to showcase ARRL programs and services. Lists of ARRL events and forums to be held in conjunction with the National Convention were distributed.

14. Mr. Haynie reported that a final version of a proposed Memorandum of Understanding between the ARRL and the Civil Air Patrol is expected to be received shortly.

15. Mr. Sumner reported on a possible Memorandum of Understanding with the United States Power Squadrons. The principal focus is on joint marketing and promotion efforts.

16. Mr. Imlay reviewed the status of pending FCC items and answered questions. An experimental license application has been filed by ARRL on behalf of a group of amateurs interested in operating in the vicinity of 500kHz.

17. Mr. Fallon reported on progress in implementing the Grassroots Legislative Action Plan. It was noted that legislation related to BPL would be a high priority for the ARRL.

18. Mr. Haynie reported briefly on his recent visit, in response to invitations, to three Central American countries for the purpose of promoting Amateur Radio as an educational medium. He expressed appreciation for the assistance of staff member Jon Siverling, WB3ERA, and for the wonderful hospitality both of them had received.

19. Antenna and RFI cases.

19.1. Mr. Imlay reported a highly favorable outcome in *Smith v. Board of County Commissioners of Bernalillo County, New Mexico*. Gerald Smith, W6TER, had appealed an adverse lower court decision to the State Supreme Court, which found in his favor and ordered the County to reinstate a building permit for his towers.

19.2. Mr. Imlay reported that a case involving tall amateur towers in rural Maryland had stimulated state legislation. The committee discussed the public relations aspects of tall towers, noting that "tall" is a relative term and that each situation must be evaluated individually.

20. A chart of pending and completed action items from previous Board meetings was reviewed. It was agreed to recommend to the Board that an instruction to seek authorization for unattended beacons on 160 meters for propagation investigation (Minute 47, July 2001 Board Meeting) be dropped.

21. On motion of Mr. Isely, 97 recently elected life members were recognized and the Secretary was instructed to list their names in *QST*.

22. On motion of Mr. Roderick, the following clubs were declared affiliated:

Category 1

Arlington Radio Public Service Club, Alexandria, VA
Kentucky Amateur Radio Society, Cox's Creek, KY
Mid Florida DX Association, Valrico, FL
Nixa Amateur Radio Club, Nixa, MO
Palmetto Amateur Linking System Network Association, Columbia, SC
Saddleback Repeater Association, Northwood, NH
South Kitsap Amateur Radio Club, Port Orchard, WA
Teton Radio Amateur Club, Jackson, WY
Upper Cumberland Amateur Radio Association, Cookeville, TN
Vashon Maury Island Radio Club, Vashon, WA

Category 3

Greater Houlton Christian Academy Aerospace Radio Club, Houlton, ME

The following clubs previously had been affiliated by mail vote:

Category 1

Bay Area Repeater Fellowship, Campbell, CA
Bear-lake Emergency Amateur Radio Service, Montpelier, ID
Camden County Amateur Radio Society, St. Mary's, GA
Coast to Range Amateur Radio Club, Salem, OR
Corona Police CSV Team, Corona, CA
Greenwood County Emergency Communications Group, Greenwood, SC
Hancock Amateur Radio Association, Hawesville, KY
Lewes Amateur Radio Society, Lewes, DE
Noble County Repeater Group, Perry, OK
Northeast Arkansas Radio Club, Jonesboro, AR
Northeast Maryland Amateur Radio Contest Society, Havre de Grace, MD
North Georgia Amateur Radio Club, Dahlonega, GA
North Texas WPX Amateur Radio Club, Garland, TX
Palms West Amateur Radio Club, Loxahatchee, FL
Pesky Texan Contest Club, Conroe, TX
Rockingham County Amateur Radio Club, Eden, NC
San Joaquin Valley Amateur Radio Society, Fresno, CA
South Texas DX and Contest Club, San Antonio, TX
Symbol Technologies Amateur Radio Club, Holtsville, NY
Tri City Amateur Radio Association, Goodyear, AZ

ViewPoint Amateur Radio Club, Mesa, AZ
West Central Minnesota Amateur Radio Club, Madison, MN

Category 2

KY District 7 Amateur Radio Emergency Team, Butler, KY
Pine Belt DX Association, Laurel, MS

Category 3

Fort Osage School Amateur Radio Club, Independence, MO
ITT Grand Rapids Amateur Radio Club, Grand Rapids, MI
Marcus High School Amateur Radio Club, Highland Village, TX
North Texas Homeschoolers Amateur Radio Club, Melissa, TX
Troop 27 & Crew 27 Amateur Radio Club, Redwood City, CA
Tulsa Community College ARC, Tulsa, OK
WB0CAP Youth Amateur Radio Club, Offutt AFB, NE

The ARRL now has the following numbers of active affiliated clubs: Category 1, 2000; Category 2, 54; Category 3, 127; Category 4, 19; Total, 2200.

23. On motion of Mr. Isely, the holding of the following ARRL conventions was approved:

2005

YL-ISSB International Operating Specialty, June 23-26, Bismarck, ND
Montana State, July 15-17, East Glacier
Missouri State, August 20, Columbia
Arkansas State, September 17, Jacksonville

2006

Rocky Mountain Division, June 9-11, Estes Park, CO
New England Division, August 25-27, Boxboro, MA
Southwestern Division, September 22-24, San Diego, CA
Indiana State, November 18-19, Fort Wayne

The following 2005 conventions previously had been approved by mail vote:

New York/Long Island Section, January 9, Bethpage
SWOH Digital Symposium, January 15, Middletown, OH
Virginia Section, February 20, Richmond
Vermont State, February 26, Milton
Tennessee State, March 19-20, Tullahoma
West Texas Section, March 19-20, Midland
Maine State, March 25-26, Lewiston

Maryland State, April 2-3, Timonium
Communications Academy, April 2-3, Seattle, WA
Eastern VHF/UHF Conference, April 8-10, Enfield, CT
North Carolina Section, April 17, Raleigh
Southeastern VHF Conference, April 29-30, Charlotte, NC
Alabama State, April 30-May 1, Birmingham
San Francisco Section, June 3-5, Ferndale, CA
West Gulf Division, June 3-5, Arlington, TX
Georgia State, June 4, Marietta
Illinois State, June 4-5, Princeton
Midwest Division, June 10-11, South Sioux City, NE
Northwestern Division, June 17-19, Seaside, OR
Rocky Mountain Division, July 29-31, Bryce, UT
Pacific Northwest DX, August 5-7, Portland, OR
Western New York Section, August 6-7, Williamsville
Kansas State, August 21, Salina
West Virginia State, August 27-28, Weston
Kentucky State, September 10, Shepherdsville
Roanoke Division, September 17-18, Virginia Beach, VA
Washington State, September 24, Spokane Valley
Pacific Northwest VHF Conference, September 30-October 1, Seaside, OR
Northern New York Section, October 8, Lake Placid
Connecticut State, October 9, Wallingford
South Carolina State, October 29, Conway
Georgia Section, November 5-6, Lawrenceville
Alabama Section, November 12, Montgomery
Indiana State, November 19-20, Fort Wayne
Florida State, December 3-4, Palmetto

24. On motion of Mr. Butler, the minutes of the October 16, 2004 meeting and January 17, 2005 teleconference were approved as distributed.

25. Other business

25.1. On behalf of the Election and Ethics Committee, Mr. Isely reported on the resolution of complaints about the recently concluded North Texas Section Manager election. No action was taken against either candidate. The Committee observed that either the meaning of the term "misleading" in the Rules and Regulations Concerning ARRL Elections should be clarified, or the term should be deleted.

25.2. On motion of Mr. Fallon, Mr. Harold R. Kramer and Ms. Mary M. Hobart were authorized to sign checks on behalf of the Executive Vice President.

25.3. On motion of Mr. Fallon, the ARRL President's Award was conferred on Walter Cronkite, KB2GSD, in recognition of his outstanding support of the ARRL and Amateur Radio by narrating the videos *Amateur Radio Today* and *The ARRL Goes to Washington*.

There being no further business, on motion of Mr. Harrison, the meeting was adjourned at 4:42 P.M.

Respectfully submitted,

David Sumner, K1ZZ
Secretary