

# Minutes of the Executive Committee, Number 478

## MINUTES OF EXECUTIVE COMMITTEE

Number 478

Fort Worth, Texas -- October 22, 2005

Pursuant to due notice, the Executive Committee of The American Radio Relay League, Inc. met at 8:35 AM CDT, Saturday, October 22, 2005 at the Dallas/Fort Worth Airport Marriott South, Fort Worth, Texas. 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, George R. Isely, W9GIG, Rick Roderick, K5UR, and Wade Walstrom, W0EJ. Also present were Directors Coy Day, N5OK and Jim Weaver, K8JE, International Affairs Vice President Rod Stafford, W6ROD, and General Counsel Christopher D. Imlay, W3KD.

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 final draft petition and timing of submission.*
3. *FCC ET Docket No. 04-37 (BPL); review of current status of administrative, legislative and technical efforts to address interference issue and consideration of possible further action.*
4. *FCC WT Docket No. 05-235, Morse telegraphy docket. Consideration of policy guidance for preparation of ARRL comments in response to NPRM.*
5. *Encryption of amateur data transmissions above 50 MHz (Minute 29, July 2004 Board Meeting).*
6. *Status of pending FCC items.*
7. *Legislative matters.*
8. *International matters.*
9. *Antenna and RFI cases.*
10. *National Frequency Coordinators' Council, Inc. (NFCC); current and expected future status of the organization.*
11. *Report on 2005 ARRL Division Elections and review of Article 11 with regard to business connections affecting eligibility for office.*
12. *Strategy for completion of review of ARRL Standing Orders.*
13. *President's Award nomination.*
14. *Review of Board action items.*
15. *Recognition of new Life Members.*
16. *Affiliation of clubs.*
17. *Approval of conventions.*
18. *Approval of minutes.*
19. *Other business.*

2. At Minute 36, July 2005 Meeting of the Board, the Executive Committee was instructed to give final review to a draft petition for FCC rule making to regulate amateur subbands by

maximum bandwidth rather than by emission mode, with the petition to be filed at the committee's discretion. The Executive Committee had received a request from two Directors and two Vice Directors requesting postponement of the filing of the petition to permit the Board to revisit the possible provision of subbands below 29 MHz in which digital emission bandwidths greater than 3.5 kHz would be permitted. The Committee discussed both the procedural and the substantive aspects of the request, as well as other considerations with regard to the timing of the filing. After discussion, on motion of Mr. Roderick, it was unanimously voted that the General Counsel is directed to file the petition as drafted in accordance with the Board's instructions, once final review has been completed.

3. Messrs. Sumner and Imlay reported on the status of the ARRL's efforts to address the issue of radio interference from Broadband over Power Line (BPL) installations. Earlier in the week, Mr. Imlay had filed a petition with the FCC for a Further Rule Making and Amendment of the regulations governing BPL. If the Commission acts favorably on the petition it will not be necessary for the ARRL to pursue its earlier Petition for Reconsideration. Other recent developments include the termination by PPL Corporation of pilot BPL projects in the Lehigh Valley of Pennsylvania, once it was clear that BPL was not economically viable as a consumer service; the filing by amateurs in Manassas, Virginia, with ARRL support, of complaints of unresolved interference from the BPL system operating in that city; and a complaint filed with the FCC by the ARRL with regard to the apparent plan by the United Telecom Council to provide inadequate public access to the BPL database. Judicial options were discussed briefly.

4. The FCC Notice of Proposed Rule Making in WT Docket No. 05-235, *Amendment of Part 97 of the Commission's Rules To Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service*, was discussed. It was agreed that the ARRL will file comments stressing the need for some HF privileges at the entry level and for retaining the Morse code requirement for an Amateur Extra Class license. The General Counsel will circulate a draft for Committee review prior to the October 31 filing deadline.

5. At Minute 29 of its July 2004 meeting the Board had ordered the filing of a petition with the Federal Communications Commission permitting security of data for computer-to-computer communications on domestic transmissions above 50 MHz. A related issue is the requirement to maintain the privacy of certain client information that may be sent on behalf of served agencies during emergencies. It was agreed that preparation of the petition should occur after there has been an opportunity to review the experience gained during Hurricane Katrina.

6. Mr. Imlay reviewed the status of pending FCC action items including the following:

- ? An ARRL application for experimental authorization for a group of amateurs wishing to operate near 500 kHz is awaiting clearance from the NTIA.
- ? With regard to possible expansion of amateur privileges in the vicinity of 5 MHz, a presentation to federal government spectrum managers has been prepared and is being scheduled.
- ? WT Docket No. 03-187, an investigation of the effects of communication towers on migratory birds, appears to be leading toward an outcome that will not directly affect the Amateur Radio Service. The studies that have been conducted focus on very tall towers.

- ? A new satellite licensing requirement for the filing of plans to mitigate orbital debris (IB Docket No. 02-54) may be problematic for the amateur-satellite service.
- ? Action is still awaited on the ARRL request for an FCC Declaratory Ruling preempting a Florida statute dealing with unlicensed radio transmissions and interference to FCC-licensed broadcasting stations.

7. Mr. Sumner noted that legislation of direct interest to radio amateurs had accumulated sponsors and co-sponsors as follows: H.R. 691, 28; S. 1236, 7; H.Res. 230, 4; and H.R. 3876, 4.

8. International matters.

8.1. Mr. Stafford reported that IARU Region 2 had exhibited successfully at ITU Telecom Americas 2005 in Salvador da Bahia, Brazil, October 3-6. He participated in a panel discussion on "The Changing Face of Spectrum Management" at the Telecom Forum. He and Mr. Sumner also reported briefly on the IARU Region 1 Conference held in September in Davos, Switzerland and on recent meetings of the IARU Region 2 Executive Committee, IARU Administrative Council, and IARU Region 3 Directors.

8.2. On motion of Mr. Butler it was agreed to extend an invitation to IARU President Larry E. Price, W4RA, to brief the Board on preparations for the 2007 World Radiocommunication Conference prior to the January 2006 Meeting. Mr. Stafford will provide an overview of the IARU at the same time.

The Committee was in recess for luncheon from 12:03 to 1:14 PM.

8.3. Mr. Sumner reported that the ARRL had been invited by the organizers of the 2006 World Radiosport Team Championship in Brazil to name two teams to compete in the event. Because the invitation came as a result of two previous WRTC's having been organized in the United States, in Seattle and San Francisco, the recommendation of ARRL staff was that the Western Washington DX Club and the Northern California Contest Club each be invited to name a team. On motion of Mr. Isely, the staff recommendation was adopted.

9. Mr. Imlay reported on a legal action brought by John M. Slusser, WF2W, against the Town of Menton, NY, challenging the denial of a variance for an antenna in excess of 30 feet in height. ARRL has offered an *amicus* brief and other material.

10. Mr. Isely reported that the National Frequency Coordinators' Council, Inc. is holding an election for a new Board of Directors and hopes to become active in resolving pending coordination disputes.

11. In the Director elections for the 2006-2008 term a candidate had been found by the Election and Ethics Committee to be ineligible because of the nature of his business connections. On September 1 by teleconference the Executive Committee reviewed and upheld the decision. The incident has raised the issue of whether a revision of Article 11 of the ARRL Articles of Association is desirable. Committee members discussed the underlying philosophy of the

ARRL's eligibility policy. A proposal to amend Article 11 is expected to be offered by a Director at the January 2006 meeting.

12. A review of ARRL Standing Orders has been underway for almost three years. The Executive Committee agreed that the Secretary will circulate the Standing Orders to committee members one more time, for final review no later than December 15. Any Standing Orders that a majority of the voting members of the committee agree should be deleted will be recommended to the Board for deletion at the January 2006 meeting.

13. On motion of Mr. Butler, it was unanimously voted that the ARRL President's Award be presented to Mary Ann Crider, WA3HUP, for her contributions to the cause of international goodwill through her long service as QSL Manager and Manager of the ARRL Third Call Area Incoming QSL Bureau.

14. A chart of pending action items arising from Board Meetings was reviewed. The only new item from the July 2005 Board Meeting is the appointment of a VHF/UHF Advisory Committee (Minute 37) to address contesting issues. The committee appointments will be made after the Director elections for the 2006-2008 term.

15. On motion of Mr. Isely, 96 recently elected life members were recognized and the Secretary was instructed to list their names in *QST*.

16. On motion of Mr. Walstrom, the affiliation of the Southwest Kansas ARES® Group, Dodge City, KS, was approved. Other pending applications for club affiliation will be approved by mail.

17. Pending applications for convention sanction will be approved by mail.

18. On motion of Mr. Isely, the minutes of the April 9, 2005 meeting were approved as distributed. On motion of Mr. Butler, the minutes of the September 1, 2005 teleconference were approved as amended.

19. There being no further business, the meeting was adjourned at 3:01 P.M.

Respectfully submitted,

David Sumner, K1ZZ  
Secretary