

MINUTES OF ARRL EXECUTIVE COMMITTEE
Number 494
Chicago, Illinois – March 19, 2011

Pursuant to due notice, the Executive Committee of the American Radio Relay League, Inc. met at 8:35 AM CDT Saturday, March 19, 2011 at the Renaissance Chicago O'Hare Suites Hotel, Chicago, Illinois. Present were committee members President Kay Craigie, N3KN, in the Chair; First Vice President Rick Roderick, K5UR; Chief Executive Officer and Secretary David Sumner, K1ZZ; and Directors Tom Frenaye, K1KI, George R. Isely, W9GIG, Brian Milesosky, N5ZGT, Bob Vallio, W6RGG, and Dr. David Woolweaver, K5RAV. Also present were International Affairs Vice President Jay Bellows, KØQB and General Counsel Christopher D. Imlay, W3KD.

1. On motion of Mr. Isely, the draft agenda for the meeting was adopted. The main items listed are:

1. *Consideration of agenda for the meeting*
2. *President's report*
3. *Chief Executive Officer's report*
4. *FCC/Regulatory items*
5. *Antenna regulatory matters and other legal matters*
6. *Legislative matters*
7. *International matters*
8. *Organizational matters*
9. *Review of pending action items including work in progress by committees*
10. *Approval of conventions*
11. *Affiliation of clubs*
12. *Recognition of new Life Members*
13. *Approval of minutes*
14. *Date of next meeting of Executive Committee*
15. *Other business*

2. President Craigie reported on the appointment of the Ad-Hoc National Broadband Plan Committee that is conducting a threat assessment of the amateur bands above 225 MHz and thanked Mr. Bellows for agreeing to serve as chairman. She noted the many hours of work by volunteers and staff that have had to be devoted to opposing the threat to the 420-440 MHz amateur allocation contained in H.R.607 introduced by Rep. Peter King (R-NY), and expressed gratitude for the strong response by ARRL members and for support received from the National Public Safety Telecommunications Council (NPSTC). Her activity since the January Board of Directors Meeting included signing the Memorandum of Understanding with the Boy Scouts of America and participation in a club meeting via Skype. President Craigie also reported progress in recruiting members of the Centennial Campaign Committee. In closing, she noted the horrific earthquake and tsunami in Japan and that the ARRL leadership had expressed our sympathy and support to the Japan Amateur Radio League.

3. Mr. Sumner provided a brief update on Headquarters operations. The ARRL laboratory has been dismantled temporarily to permit the removal of floor tile containing asbestos. The lab will be restored to normal operation in the next few weeks.

4. FCC/Regulatory items

4.1. Action items

4.1.1. Mr. Imlay provided a progress report on the implementation of previously agreed strategy to achieve adequate FCC regulations to protect the Amateur Radio Service from interference from Broadband over Power Line (BPL) systems, and outlined the remaining steps to be taken in the next several weeks. It was agreed that if the FCC has taken no action on the pending rulemaking by the summer, the options for additional ARRL actions will be considered at that time.

Mr. Imlay also reported that while IBEC has written to Mr. Sumner with regard to the ARRL's complaint of interference and rules violations by IBEC's BPL systems, no response has been received from the FCC and there is no evidence that enforcement action has been taken. He was instructed to follow up with the FCC to demand immediate action. Mr. Imlay also noted that IBEC has offered no rebuttal to the ARRL's complaint to the FCC Laboratory that the certification of its modems was done incorrectly.

4.1.2. Mr. Imlay observed that April 6 will be the first anniversary of the ARRL's filing of its petition for reconsideration of the waiver granted to ReconRobotics that permits the licensing of its video surveillance device for operation in the 430-448 MHz band. No action has been taken by the FCC, although such a delay is not unusual. Because of the ARRL's petitions to deny citing flaws in the license applications for these devices, no licenses are known to have been granted. An ARRL complaint requesting that the grant of equipment authorization be rescinded because of multiple errors by the test lab used by ReconRobotics elicited a response on January 11, 2011 from FCC Office of Engineering and Technology Chief Julius Knapp, who said that the Office "is reviewing the propriety of the subject certification grant." No further action by the ARRL is indicated at this time.

4.1.3. The FCC has not taken final action on its Notice of Proposed Rule Making in ET Docket No. 10-98, released on May 7, 2010 in response to an ARRL petition filed in October 2006. The objective of this proceeding is to provide a slight expansion of privileges on the five 5-MHz channels that are available for amateur use and to replace one channel. The committee concluded that if the FCC does not act within a year of the issuance of the NPRM, the ARRL should seek a waiver authorizing the privileges and changes being sought in the rulemaking proceeding in order that they may be used during the upcoming hurricane season. Mr. Sumner observed that it would be helpful to be able to cite more examples of the channels actually being used by amateurs during emergencies and drills.

4.1.4. In ET Docket No. 10-236 the FCC has proposed to encourage radio experimentation and market trials by streamlining its rules for experimental licensing. The proceeding offers an opportunity to renew a request that the ARRL has made previously: that the FCC include in

experimental licenses issued for operation in amateur bands a condition that the ARRL be notified prior to the commencement of operation. The committee authorized Mr. Imlay to prepare and file comments along those lines.

4.2. Mr. Imlay reported the status of the following FCC proceedings:

4.2.1. ET Docket No. 08-59, proposal to allocate 2360-2400 MHz for Medical Body Worn Area Networks (MBANs). This rule making proceeding is based on a petition from GE Healthcare. In 2009 the FCC invited comment on a counterproposal from the Aerospace and Flight Test Radio Coordinating Council (AFTRCC) that MBANs be permitted in the 2300-2305 MHz band, to which the ARRL strongly objected. In January 2011 an industry (including AFTRCC) joint proposal was submitted to the FCC that avoids 2300-2305 MHz but would permit MBANs to use higher power in the 2390-2400 MHz band than in the 2360-2390 MHz band. MBANs would operate at 2390-2400 MHz on a secondary basis whereas the Amateur Service allocation is primary. The ARRL expects to receive additional technical information on MBANs from the system's proponents shortly. After discussion it was agreed that the General Counsel will advise the FCC of the ARRL's view that consideration of the joint proposal should be postponed until a European standards-setting process for MBANs is completed.

4.2.2. MD Docket No. 10-234, amendment of CORES Registration System. The ARRL's comments were filed on March 3. There was no need for the ARRL to file reply comments.

4.2.3. ARRL petition and request for temporary waiver concerning the use of narrowband TDMA emissions in the Amateur Service. These filings were submitted on March 15.

4.2.4. Vehicular radars at 77-81 GHz. There is a meeting planned with an industry representative to review progress on compatibility studies.

4.2.5. WT Docket No. 09-209, amendment of rules governing vanity and club call signs. As of this meeting, the notice of the ARRL's petition for partial consideration in this proceeding had not appeared in the *Federal Register*. Once that occurs there will be a 15-day window for the filing of oppositions, followed by 10 days for replies to oppositions.

4.2.6. WT Docket No. 10-62, amendment of spread spectrum rules to eliminate automatic power control requirement. On March 4, the Report and Order eliminating the requirement while reducing the maximum authorized power for spread spectrum emissions to 10 watts was released. No further ARRL action is contemplated.

4.2.7. Allocation efforts below the AM broadcasting band (LF and MF). Other than with regard to the ITU Conference Preparatory Meeting for WRC-12 to be discussed later, the only progress since the January Board Meeting was the granting by the FCC of the additional frequencies of 461-478 kHz for use by experimental stations operating under the ARRL's WD2XSH license. This frequency range encompasses the WRC-12 allocation option that is favored by the United States.

4.2.8. WT Docket No. 11-7, in the Matter of Glenn A. Baxter Application to Renew License for Amateur Radio Service Station K1MAN. The hearing in this proceeding has been deferred until a related federal collection action has been concluded. A pre-hearing conference is currently scheduled for September 7, 2011.

4.2.9. IB Docket No. 04-286. Comments are due March 25 in this proceeding, which offers the opportunity for public comment on a set of recommendations of the FCC Advisory Committee for WRC-12. ARRL Chief Technology Officer Brennan Price, N4QX is preparing draft comments for review as the brief time window permits. Mr. Sumner noted that the recommendations do not contain major policy issues for the ARRL.

5. Antenna regulatory matters and other legal matters

5.1. Notable pending antenna cases

5.1.1. On January 27 the California Court of Appeal issued an opinion in *Zubarau v. City of Palmdale*. The Court concluded that (1) the City properly ordered the tower to be taken down; (2) the City's ordinance was void for vagueness because it was indecipherable; and (3) the issue of attorney's fees was remanded to the trial court. The Court also found that the City had no jurisdiction over RF interference and could not regulate antennas on the basis of that concern. A Petition for Rehearing with regard to the first issue, on which the Court had determined that small, rooftop mounted VHF/UHF verticals were sufficient accommodation, was filed on February 11 but has not been acted on. On March 5, Mr. Zubarau's attorney filed a Petition for Review with the California Supreme Court; ARRL followed with an "Amicus Curiae Letter" on March 8.

5.1.2. In North Carolina, Ryan Cairns, K3XC has been ordered by the Charlotte-Mecklenburg Zoning Authority to take down a 72-foot crankup tower and antenna for which a permit had been issued, on the grounds that it violates a setback requirement contained in an ordinance that clearly is intended to be applied to large broadcasting towers. As applied to amateur antennas the ordinance is contrary to state law. The case is being handled by a local attorney.

5.2. Mr. Imlay briefed the committee on the status of other legal matters.

6. Legislative matters

6.1. Mr. Sumner recounted the results to date of the ARRL's efforts to oppose Section 207(d) of H.R. 607, which would mandate that the FCC auction off 420-440 and 450-470 MHz as part of a plan to make other spectrum available for a national interoperable public safety broadband network. Member response in the form of letters to their Representatives sent via the ARRL's legislative relations consultant, Chwat & Co., has been high. Mr. Roderick reported his experience at a recent convention where members lined up in large numbers to sign letters. President Craigie observed that in one instance, a newspaper article and editorial critical of one of the co-sponsors of the legislation had gotten the Congressman's attention. Mr. Imlay noted that the ARRL has a number of allies on this issue including the National Association of

Broadcasters, the Society of Broadcast Engineers, the National Public Safety Telecommunications Council, and several others.

6.2. Of the two versions of the Amateur Radio Emergency Communications Enhancement Act of 2011, H.R. 81 and S. 191, the latter is expected to move through the Senate before H.R. 81 is taken up by the House. Quiet efforts are underway to smooth the path of the legislation through the committees of jurisdiction. The ARRL is monitoring H.R. 911, the Spectrum Inventory and Auction Act of 2011.

6.3. The status of the ARRL's legislative objectives for the 112th Congress was reviewed. Objective #7 is addressed by S. 611, the FCC Tech Act, which was introduced on March 17 by Senators Snowe and Warner.

7. International matters

7.1. Mr. Sumner reported on the ITU Conference Preparatory Meeting (CPM) for WRC-2012. The CPM was held in Geneva for two weeks in mid-February and resulted in a 688-page (English version) report on technical, operational and regulatory/procedural matters to be considered by the WRC. Mr. Sumner attended to represent the IARU for the first week, and IARU President Tim Ellam, VE6SH attended for the second week. ARRL Chief Technology Officer Brennan Price, N4QX served on the US delegation, as did several radio amateurs from other countries on their own national delegations. The outcome of the CPM was satisfactory for Amateur Radio interests.

7.2. Mr. Bellows reported that IARU Region 2 activity is increasing. Mr. Sumner noted a change in the office of Secretary of IARU Region 3, with Ken Yamamoto, JA1CJP replacing Jay Oka, JA1TRC.

The committee was in recess for lunch from noon until 1:04 PM.

8. Organizational matters

8.1. The committee reviewed the program for the 2011 ARRL National Convention. On motion of Mr. Isely the program was approved. The committee thanked Marketing Manager Bob Inderbitzen, NQ1R for his work on the document.

8.2. The committee discussed how to implement the option of electronic voting by members in ARRL elections. It was decided to consider both Section and Division elections. On motion of Mr. Vallio, staff was tasked with pursuing the development of a plan for presentation to the Board in July to institute electronic voting in ARRL elections in 2012, with a report to the Executive Committee by April 15.

8.3. After review, on motion of Mr. Milesosky, the President was authorized to sign an updated Memorandum of Understanding with the National Weather Service.

8.4. Field Organization matters

8.4.1. A staff report on a recent workshop for Amateur Radio operators offered by the Office of Emergency Communications of the Department of Homeland Security was received and discussed.

8.4.2. A complaint about a Section Manager was reviewed. The information provided was examined. No basis for action at this time was found.

8.5. On motion of Mr. Isely, it was agreed to recommend to the Board for consideration at its July meeting a policy with regard to the approval of Board minutes. Rather than delay formal approval until the subsequent in-person meeting of the Board, the recommended policy will be that the Secretary will call for a vote by email, seven working days after posting of the final version of the minutes to Board members.

8.6. Preliminary ideas of how to celebrate the ARRL Centennial in 2014 were discussed. A motion to formalize the planning process will be prepared for Board consideration in July.

8.7. As Chairman, Mr. Bellows reported on how the work of the Ad-Hoc National Broadband Plan Committee is being organized.

9. Mr. Sumner distributed a list of past Board actions that are still pending completion. It was agreed to delete Minute 54 of the January 2010 Board Meeting from the list, because the charitable mileage deduction issue is not included in the ARRL's legislative objectives for the 112th Congress. If the non-profit community mounts a campaign for legislation to increase the charitable mileage deduction, the ARRL will support that effort. With regard to Minute 57 of the January 2010 meeting, staff was asked to complete work to permit members to opt into email delivery of Board and Executive Committee agendas and minutes.

10. On motion of Mr. Vallio, the holding of the following ARRL conventions was approved (all in 2011):

Wyoming State, June 3-5, Cheyenne, WY

East Bay Section, June 4, Berkeley, CA

Montana State, July 15-17, Essex, MT

Oklahoma State, July 29-30, Oklahoma City, OK

Midwest Division, August 6-7, Cedar Rapids, IA

Pacific Northwest DX (Specialty), August 12-14, Everett, WA

Kansas State, August 21, Salina, KS

Emcomm East (Specialty), September 25, Rochester, NY

Pacific Northwest VHF Society Conference (Specialty), October 8, Bend, OR

Connecticut State, October 9, Wallingford, CT

Iowa State, October 21-22, Sergeant Bluff, IA

Iowa Section, November 6, Davenport, IA

11. The pending applications for the affiliation of clubs having been approved by email vote, there were no applications to be considered at this time.

12. On motion of Mr. Frenaye, the committee recognized 146 recently elected Life Members and instructed the Secretary to list their names in *QST* (Applause).
13. On motion of Mr. Frenaye, the minutes of the October 23, 2010 meeting of the Executive Committee were approved as distributed.
14. October 1 was selected as the date of the next regular meeting of the Executive Committee, in a location to be determined by the President.
15. There being no other business, on motion of Dr. Woolweaver the meeting was adjourned at 3:49 PM.

Respectfully submitted,

David Sumner, K1ZZ
Secretary