

MINUTES OF ARRL EXECUTIVE COMMITTEE
Number 493
St. Louis, Missouri – October 23, 2010

Pursuant to due notice, the Executive Committee of the American Radio Relay League, Inc. met at 9:00 AM CDT Saturday, October 23, 2010 at the St. Louis Airport Marriott Hotel. 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 Vice President Bruce Frahm, KØBJ, International Affairs Vice President Jay Bellows, KØQB and General Counsel Christopher D. Imlay, W3KD.

1. On motion of Mr. Vallio, the draft agenda for the meeting was amended by adding item 8.6, National Convention program. On further motion of Mr. Vallio, the agenda was adopted as amended. 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, RFI 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. *Other business*

2. President Craigie referred to her written report which mentioned strategic planning, new Web site implementation issues, her schedule of travel on behalf of the ARRL, and some of the issues on the meeting agenda.

3. Mr. Sumner distributed a written report and answered questions concerning staffing, the Web site, and ARRL finances, which are ahead of the budget plan after nine months. The ARRL is receiving a substantial bequest from a Joint Trust established by Dr. Charles Mathias, W8KGD, and his wife Iona.

4. FCC/Regulatory Items

4.1. Action items

4.1.1. Mr. Imlay referred to a briefing paper prepared by the Colorado Council of Amateur Radio Clubs that describes a regulatory issue with regard to the use of certain narrowband TDMA

equipment in the amateur service. TDMA emissions with two or more channels containing quantized or digital information are permitted, but under a literal reading of the Part 97 rules TDMA emissions containing only one such channel are not permitted because in that case the “nature of signal modulating the main carrier” falls into the category of “Cases not otherwise covered.” This anomaly is the result of how emissions are classified in the ITU Radio Regulations and is contrary to the character of the amateur service as an experimental service. After discussion, on motion of Mr. Isely, the General Counsel was authorized to seek a determination from the FCC that narrowband single channel TDMA is authorized in the amateur service wherever multiple channel TDMA is authorized.

4.1.2. Mr. Imlay reviewed the status of the ARRL’s ongoing effort to persuade the FCC to address the significant interference potential of the ReconRobotics “Recon Scout” product in the 430-448 MHz band. Significant defects have been found in the equipment authorization and license applications for these devices. The ARRL has requested that the FCC laboratory rescind the grant of equipment authorization until those errors have been corrected.

4.1.3. Mr. Imlay noted that the FCC has made no recent progress toward resolving the BPL proceeding, ET Docket No. 04-37, that it was ordered to reopen by the Court of Appeals at the ARRL’s request. The ARRL is preparing an additional submission to provide further justification for mandatory notching of the amateur bands and is investigating a BPL system that is operating in apparent violation of the existing rules. Mr. Imlay and Mr. Sumner were asked to prepare a list of steps to be taken on these two fronts along with a time line for their completion.

4.2. Status report items. Mr. Imlay reported the following:

4.2.1. *WT Docket No. 10-106, Review of FCC Part 95 Personal Radio Services Rules.* The ARRL filed comments on September 3 supporting three positions: to prohibit multi-service radios covering both Part 95 and amateur services, to clarify the rules prohibiting the modified CB equipment, and to retain the rules against long-distance CB communication. There is no imminent action expected in this proceeding.

4.2.2. *WT Docket No. 07-293, Wireless Communications Services in the 2.3 GHz Band.* The ARRL filed a petition for clarification or partial reconsideration, seeking to establish clearly that WCS devices operating above 2.305 GHz may not cause harmful interference to the amateur service at 2.300-2.305 GHz. WCS proponents have filed oppositions to which the ARRL will respond as appropriate.

4.2.3. *LF Experimental Operations and Allocation Status.* The experimental license issued to the ARRL for stations to operate in the 495-510 kHz band was renewed for five years effective August 1, 2010. Consideration is being given to requesting a modification of the license for a slightly lower frequency range to conform to the current United States position on an amateur secondary allocation at the 2012 World Radiocommunication Conference. Work is nearing completion on an analysis showing how the international amateur allocation of 135.7-137.8 kHz could be implemented domestically without risking harmful interference to power line carrier systems used by utilities to control the power grid (not to be confused with BPL).

4.2.4. *WT Docket No. 09-209, Amendment of Part 97 Rules Governing Vanity and Club Station Call Signs.* A draft Order is on circulation to the FCC Commissioners and is expected to be released before the end of the year.

4.2.5. *WT Docket No. 10-62, Spread Spectrum Rules Changes.* A draft Order completing this proceeding is believed to be on circulation.

4.2.6. *Vehicular Radars at 77-81 GHz.* Companies in the automotive industry are seeking global harmonization of short-range vehicular radars in the 77-81 GHz band, to complement existing use of 76-77 GHz. There is an international amateur and amateur-satellite primary allocation at 77.5-78 GHz, with adjacent secondary allocations above and below. Industry representatives are seeking ARRL participation in compatibility studies that they believe will show that their desired use is not incompatible with the amateur allocations.

4.3. Mr. Imlay noted several FCC proceedings on which there had been no known activity since the July ARRL Board meeting. In addition, President Craigie reported briefly on her recent visit to Beale Air Force Base, California, for a demonstration of the Pave Paws radar system and the interference issue with regard to nearby 70 cm amateur stations. Finally, the committee discussed the desirability of raising the visibility of current FCC enforcement activities.

5. Antenna and other legal matters

5.1. Mr. Imlay reported that he will attend oral argument scheduled for November 2 in the Court of Appeal for the State of California at Los Angeles in the case of Alec Zubarau (WB6X) v. City of Palmdale. The city is seeking to overturn a trial court order to reissue a previously revoked antenna permit; Mr. Zubarau's attorney is seeking the award of attorney's fees. An *amicus* brief submitted by the ARRL was accepted by the Court.

5.2. A motion for summary judgment filed in U.S. District Court for the District of Nevada on behalf of Tom Taormina, K5RC was denied by the Court. Mr. Taormina was seeking to have an ordinance declared invalid. He has the option of applying for a special use permit.

5.3. The recent case in the State of New York in which Steve Bozak, WB2IQU incorrectly was charged with a motor vehicle violation for operating an amateur mobile station was highlighted as illustrating the importance of careful crafting of "distracted driving" statutes. The New York statute is clearly limited to cellular telephones and does not apply to two-way radio operation, so the judge dismissed the charge.

6. Legislative matters

6.1. With contentious midterm elections just 10 days away, the legislation in which the ARRL has an interest is stalled and may not see action completed before the end of the 111th Congress. This is disappointing, particularly in light of the passage of S.1755 in the Senate and the 42 sponsors and co-sponsors of H.R.2160 in the House. The ARRL's efforts will continue until the end of the current Congress.

6.2. As a starting point for discussion, Mr. Sumner offered preliminary thoughts on possible legislative objectives for the 112th Congress. After discussion he was asked to refine the list of objectives and circulate it to the Executive Committee for consideration as recommendations to the January 2011 Board Meeting.

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

7. International matters

7.1. As the head of the ARRL delegation, President Craigie reported on the IARU Region 2 Conference held in El Salvador earlier in the month. Mr. Bellows and Mr. Sumner also attended and assisted in representing the ARRL. Mr. Bellows was elected to the Region 2 Executive Committee to replace Rod Stafford, W6ROD, who is now IARU Secretary. All three attendees answered questions about the conference and the condition of organized Amateur Radio in the Americas.

7.2. Mr. Sumner reported on ITU matters, focusing on the recent Plenipotentiary Conference at which new Directors of the Radiocommunication and Telecommunication Development Bureaus were elected and preparations for the 2012 World Radiocommunication Conference.

8. Organizational matters

8.1. At President Craigie's request, Mr. Imlay prepared a memorandum of law regarding the taping or electronic recording of ARRL Board meetings, committee meetings, or conversations with ARRL employees by volunteers or staff. After discussion it was agreed that President Craigie, Mr. Imlay and Mr. Sumner would prepare a draft policy for consideration by the Executive Committee as a possible recommendation for adoption by the Board.

8.2. Mr. Imlay led a brief discussion of the ARRL Privacy Policy and of the steps being taken to ensure compliance by contractors/vendors and volunteers with both the Privacy Policy and Connecticut law.

8.3. On motion of Mr. Frenaye, at 2:54 PM the committee resolved into a Committee of the Whole to discuss a personnel matter. The Committee of the Whole rose and reported at 3:16 PM. On motion of Mr. Isely the report was accepted.

8.4. President Craigie had prepared updates to the ARRL Standing Orders to reflect Board actions during 2009 and 2010. On motion of Mr. Vallio, the updates were incorporated into the Standing Orders.

8.5. President Craigie led a brief discussion of the steps that would need to be taken in order to offer electronic voting as an option in future ARRL elections. Additional information must be provided to Board members before a proposal is brought to the Board for consideration.

8.6. The committee was provided with a status report and timeline for preparations for the June 10-11, 2011 ARRL National Convention in Plano, Texas. The committee will need to review the convention program in March.

9. Mr. Sumner distributed a chart showing the status of pending Board action items. Action on several items has been completed and those items will be removed from the list. The committee discussed how to close out the remaining items. It was agreed to forward the chart to the Board with the minutes of this meeting.

Mr. Frenaye as chairman reported for the Ethics & Elections Committee. He noted that many members are not aware of the change in the conflict of interest provisions in the Articles of Association and Bylaws that were adopted four years ago. Candidates are now eligible who would not have been eligible previously.

A recent posting by a Section Manager to an email discussion group was reviewed. On motion of Dr. Woolweaver, the Secretary was instructed to write a letter of admonishment to the Section Manager.

Mr. Roderick as chairman gave a brief report on behalf of the Nominating Committee for the Centennial Campaign Committee.

10. There were no convention applications offered for approval. Pending applications will be circulated for mail vote.

11. On motion of Mr. Isely, the affiliation of the following Category 1 clubs was approved:
Barrow Amateur Radio Club, Winder, GA
Cold Brook Contest Club, Cold Brook, NY
Great Southern DX Association, Gulfport, MS
Haywood County Amateur Radio Club, Waynesville, NC
Oro Valley Amateur Radio Club, Oro Valley, AZ

12. On motion of Mr. Vallio, the committee recognized 192 recently elected Life Members and instructed the Secretary to list their names in *QST*.

13. On motion of Mr. Vallio, the minutes of the March 13, 2010 meeting and the July 1 and September 13, 2010 teleconferences were approved as distributed.

14. Other business

Mr. Frenaye commented that when a mail vote of the committee is proposed, a deadline for voting should be set. It was agreed that in general, seven days should be sufficient.

There being no further business, President Craigie noted that this is the last scheduled meeting of this year's Executive Committee and she thanked everyone for their contributions to the committee's work in a year in which there were an unusual number of FCC issues to deal with.

On motion of Mr. Vallio the meeting was adjourned at 5:09 PM.

Respectfully submitted,

David Sumner, K1ZZ
Secretary