



SQUELCH TALES



Newsletter from the Merrymeeting Amateur Radio Assoc. for December 1999

MARA CHRISTMAS DINNER SET FOR DECEMBER 18th

Don't forget, MARA Christmas (end of year) dinner will be held at the China Rose restraint located on Old Bath Road (old Chuck Wagon) in Brunswick starting at 6:30 PM. We hope to see you there.

N1NUO IN HOSPITAL

Ms Robin, N1NFK, reports that Mr. Robin was admitted to Midcoast Hospital in Brunswick for a kidney infection. We all hope that he will recoup soon and hopefully join the MARA gang for the Christmas dinner. GET WELL SOON ROBIN!

MORE TECHNICIANS THAN ANYTHING ELSE

According to the FCC there are now more Technician class-licensed amateurs than all the Novice General, Advanced, and Extra class hams added together. This means that the majority of ham activity here in the US is in the VHF and UHF bands. This data provided by the FCC may be an indication that their soon to be announced license restructuring decision may do something to change this situation. Most likely by lowering the Morse code speed to stimulate people to try for the higher-class licenses and promote usage of the HF spectrum. It may be lowered, but you will still have to learn it to get on HF, even if it is only 5 words per minute.

V.E. HAM EXAMINATIONS SCHEDULED FOR THE 4th

Robin Walls, N1NFK, will be holding amateur radio examinations Saturday December 4th at 10 AM at the Salvation Army building located at 25 Congress Street, Bath. For more information or to sign up to take an examination contact Robin at 725-5135.

FCC Denies League's Request for Stronger Federal Preemption Policy

The FCC has turned down a 1996 ARRL petition asking the Commission to go further in compelling state and local governments to reasonably accommodate Amateur Radio and apply the least restrictive means to regulate amateur antennas and activity. However, in denying the petition, designated RM-8763, the FCC did offer some words that may be helpful to amateurs.

The requested rules changes would have expanded and clarified PRB-1, the Federal preemption of state and local regulation spelled out by the FCC in 1985 and since incorporated into the laws of several states.

Specifically, the League called on the FCC to amend Section 97.15(e) of its rules to say that any state or local antenna restrictions limiting ham radio antennas to heights below 70 feet would be "presumed unreasonable" unless the state or local authority could show its restrictions were necessary for health, safety or aesthetic reasons.

Further, the ARRL asked the FCC to clarify that local government's role in applying PRB-1 was to accommodate ham antennas rather than to balance local interests against Federal interests in "effective public service amateur communications." The League also wanted the FCC to acknowledge that it "has no less interest in the effective performance of an Amateur Radio Station" in an area regulated by deed restrictions, covenants, or condominium regulations than by zoning ordinances. It also asked the FCC to preempt overly burdensome conditions and excessive costs localities might require in connection with amateurs antenna installations.

In its denial, in an Order released November 19, the FCC said it would not be "prudent" or "appropriate" to set a height standard for amateur antennas and supporting structures "because of varying circumstances that may occur" for differing antenna configurations. "We believe that the policy enunciated in PRB-1 is sound," the FCC said, noting that PRB-1 does not specify a height limit. The Commission also said it did not want to mandate

specific provisions that localities must include in zoning ordinances.

"We continue to believe that the standards the Commission set, that is 'reasonable accommodation' and 'minimum practicable regulation', have worked relatively well," the FCC said. The Commission applied that same philosophy to the imposition of fees, zoning laws and other conditions that localities might impose on amateur antenna installations.

The FCC also said its policy with respect to restrictive covenants already is clearly stated in PRB-1, which excludes restrictive covenants in private contracts as "outside the reach of our limited preemption." The FCC did say that it "strongly encourages associations of homeowners and private contracting parties to follow the principle of reasonable accommodation" with respect to Amateur Radio. But it drew the line at proposing specific rule changes to bring private restrictive covenants under the umbrella of PRB-1. The part of the FCC's Order that may prove most helpful is the assertion that PRB-1 precisely stated the principle of "reasonable accommodation." Some courts have held that a local authority can merely balance its own interests against those of the amateur. PRB-1 states that local regulations involving placement, screening, or height of antennas based on health, safety, or aesthetic considerations "must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose." In its Order, the FCC said that given PRB-1's explicit language, "it is clear that a 'balancing of interests' approach is not appropriate in this context."

The ARRL Executive Committee will review the Order at its December 4 meeting to determine what further action is appropriate.

ON LINE AUCTIONS LOTS OF FUN, BUT

By Bruce Randall, W1ZE

The on-line auction sites such as e-Bay and others can be a lot of fun and a good place to find good stuff or to sell one of your treasures. Mark Rideout, N1JIM is a real pro on e-Bay and has sold a lot of his antiques and purchased a nice dual-bander in recent weeks. Andy Cote KB1CGJ has purchased a couple radios and has been satisfied with the radios and the transaction via the auction. I have placed several bids on some older equipment but since I'm such an old El-cheap-o I have been out bid.

With all on-line auction transactions the Latin words "caveat emptier," (buyer beware) apply. There are some bad folks out there, even hams that don't

play the game honestly. E-Bay and others have rules and guidelines, but they are not policemen.

For example: Several months ago I spotted an item offered by **N3DG** that I wanted to bid on, so I placed a \$7.50 bid. No sooner than I placed the bid I started getting e-mail from hams all over the country warning me that **N3DG** was a real shady character and not to be trusted. A day or so later I was notified by e-Bay that I had the winning bid. I e-mailed **N3DG** and said that I had been advised by many folks that his business practices were under attack and I hoped I would not be a victim in this transaction, but I would honor my bid and send him \$7.50 that day, which I did. A few weeks later I received another message from e-Bay saying that **N3DG** had filed a complaint on non-payment by me. Now I remember the warnings from the e-mails I received. I called the bank to see if the check was cashed and it had, a few days after I sent it and before **N3DG** filed the complaint with e-Bay. I advised e-Bay that **N3DG** had received the check and had cashed it. I sent another e-mail to N3DG@hotmail.com and advised him that he had received the check had cashed it and wanted to know where my item was. Three weeks went by and I still had not received my item from **N3DG**. I sent another e-mail to e-Bay to register a complaint against **N3DG** and sent him an info copy. **N3DG** responded the same day and said "What Item?" Another several weeks have passed and still no item has been received from **N3DG**. I am a little slow, but now I know I have been ripped off by **N3DG**. By now you may have noted I have put the call sign of **N3DG** in as often as I could, so that it will be imprinted in your head in the event you are connected to an on-line auction site and see something offered by **N3DG**, **DON'T BID ON IT. YOU WILL BE ANOTHER VICTOM!**



The Editor and Board of Directors want to wish

you and yours all the best this

holiday season has to offer, 73

