

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
1998 Biennial Regulatory Review --	)	WT Docket No. 98-143
Amendment of Part 97 of the Commission's	)	
Amateur Service Rules.	)	
	)	
FCC Report and Order	)	FCC Report and Order 99-412
Released December 30, 1999	)	

To: The Secretary,  
Federal Communications Commission

cc: Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Michael Powell  
Commissioner Harold Furchgott-Roth  
Commissioner Gloria Tristani

**OPPOSITION OF NO CODE INTERNATIONAL TO THE PETITION FOR PARTIAL  
RECONSIDERATION FILED BY STEPHEN B. GERSTENSCHLAGER IN THE  
ABOVE-CAPTIONED MATTER**

No Code International ("NCI"), on behalf of its Members and by its Board of Directors, hereby submits its Comments in Opposition to the Petition for Partial Reconsideration ("the Petition") filed in the above-captioned proceeding on January 20, 2000 by Stephen B. Gerstenschlager, KOEY.

## **INTRODUCTION**

1. NCI is a not-for-profit organization of licensed radio amateurs, as well as those interested in amateur radio but not yet licensed, which has as a major goal the global elimination of all requirements for Morse code proficiency for any class of amateur radio license. NCI was founded in 1997 and is experiencing rapid growth, both within the U.S. and internationally. While NCI has an international membership and global goals with respect to various amateur regulatory matters, a majority of its members are currently U.S. licensed radio amateurs.

2. NCI filed a restructuring proposal with the Commission prior to the release of the Notice of Proposed Rulemaking (“the NPRM”), as well as timely-filed Comments, Reply Comments, and Ex Parte Presentations in this Proceeding. NCI is an interested party in this proceeding.

## **DISCUSSION**

3. Having reviewed the Gerstenschlager “Petition,” NCI respectfully requests that the “Petition” be treated by the Commission, not as a separate Petition for Partial Reconsideration, as titled, but rather simply as “Comments supporting the previously filed Petition for Partial Reconsideration, filed on January 19, 2000 by Wormser, Adsit, and Dinelli,”<sup>1</sup> since the Gerstenschlager filing, consisting of only three (3) paragraphs, does nothing more than reference Wormser, Adsit, and Dinelli and make a couple of vague, completely unsubstantiated statements of opinion that the new Rules promulgated under the Report and Order<sup>2</sup> (the R&O”) will “reduce technical competency” and that “less competent operators” will “create interference problems.”

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<sup>1</sup> NCI filed an Opposition to the Wormser, Adsit, and Dinelli Petition on January 25, 2000 via the ECFS, due to delays in the receipt of paper filings because of inclement weather (paper copies are still in transit).

<sup>2</sup> FCC Report and Order 99-412

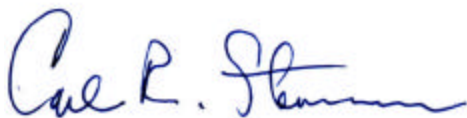
4. In the alternative, should the Commission decide to treat this diminutive, redundant filing as a separate Petition for Partial Reconsideration, NCI urges that the Petition be summarily dismissed without delay because, like “Wormser, Adsit, and Dinelli,” we find the Petitioner’s arguments to be completely without merit in that they raise no new issues not already considered by the Commission in this Proceeding, nor does the Petition point out any procedural error on the part of the Commission in formulating the R&O in this Proceeding.

## CONCLUSION AND RECOMMENDATIONS

5. Since the “Petition” raises no new factual material not covered in the body of comment in the Proceeding and considered by the Commission in its decision (whether specifically cited in the text or footnotes of the R&O or not), and there was no procedural error on the part of the Commission in the Proceeding, there is no legitimate basis for reconsideration of the Commission’s decisions as embodied in the R&O in the Proceeding.

6. By virtue of the redundant nature of the Gerstenschlager “Petition” relative to the previously filed “Wormser, Adsit, and Dinelli” Petition NCI, respectfully requests that the Commission either designate the Gerstenschlager “Petition” as simply “Comments in support of the previously filed Wormser, Adsit, and Dinelli Petition” or, alternatively, DENY the Gerstenschlager Petition without delay in order to avoid any further confusion in the amateur community or delay in the implementation of the Commission’s decisions, as outlined in the Report and Order.

Respectfully submitted,  
No-Code International



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Member of the NCI Board of Directors  
(as delegated and approved by the Board as a whole)

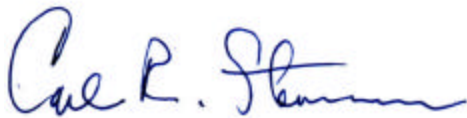
CERTIFICATE OF SERVICE:

On January 20, 2000, a document entitled "Petition for Partial Reconsideration" was filed in WT Docket No. 98-143, seeking partial reconsideration of the Commission's Report and Order (FCC Report and Order 99-412) by Stephen B. Gerstenschlager.

On January 27, 2000 I mailed a true and accurate copy of the attached document (described as "Opposition of No Code International to the Petition for Partial Reconsideration Filed by Stephen B. Gerstenschlager in the Above-Captioned Proceeding") to the Petitioner:

Stephen B. Gerstenschlager  
10013 Zion Lutheran Road  
Hillsboro, MO 63050

as required by Sections §1.47 and §1.405 of the Commission's Rules  
[47 C.F.R. §1.47, 47 C.F.R. §1.405]



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