

This from the "Correspondence" section of QST for September, 2008 (page 24):

TOWER TALK

Congratulations, ARRL, on winning a long and difficult battle with BPL. I congratulate all of the staff: Officers, lawyers, technical folks and PR teams. You did a marvelous job in defending our hobby, and the *coup de gras* is the court decision that the FCC has to pay the ARRL for docket fees. Vindication!

Now, on to the next battle. This one, to my mind, is a far more serious and a greater threat: Private covenants and restrictions. The real estate lobbyists are a strong political force to be reckoned with and almost every new subdivision has severe restrictions on what hams can do on their own property.

PRB-1 is being consistently overruled by subdivision covenants and restrictions. Those hams trying to find an antenna-friendly neighborhood with reasonable commutes to work are facing very challenging situations. While I understand the reluctance of the FCC to interfere with local regulations, the precedent has already been set for the satellite TV industry. In my neighborhood, 50 percent of the homes have dishes. I don't think these are any more of an eyesore than if I were to put a tri-band beam in my back yard at 32 feet.

Yes, we have options: mobile operation, stealth antennas (I am doing both, but only because I have a couple of trees). The fact remains that restrictions that were virtually nonexistent 30 years ago represent a real threat today.

What I would like is some sort of reasonable exemption to permit amateurs to erect antennas on their property. Would it be so terrible to attach a ham tower to the side of the house and have a tri-band beam no more than 10 feet above the peak of the roof? Could there not be some sort of accommodation given to hams? Is that any more ugly than a satellite dish (or three) on the roof of a house?

ARRL, I wish you luck in this next endeavor. There is a balance that should be found here.

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ARRL Regulatory Information Manager Dan Henderson, N1ND, replies: Remember that PRB-1 only covers regulations implemented by governmental actions, such as zoning and planning boards. Deed covenants and restrictions are matters of private contract, not public law. As such, the FCC continues to decline to extend PRB-1 to cover CC&Rs. Extension of PRB-1 to cover CC&Rs is something that the ARRL continues to push at the Congressional level, but to date we have not been able to secure a sponsor for the legislation in the 100th Congress. You may find it helpful to read "PRB-1 and CC&Rs--What Should I Do Now?" [May 2008, page 44]. The article can also be found online at www.arrl.org/FandES/field/regulations/hender.pdf.