

K9YA Telegraph

Robert F. Heytow Memorial Radio Club

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Defending Our Bands

The Year was 1928

Philip Cala-Lazar, K9PL

Once upon a time the division between commercial and amateur radio was not so well defined as we know it today. There was a time when pecuniary interests routinely used, or attempted to use, the amateur bands to their advantage.

The year 1928 marked some monumental changes to amateur radio worldwide. That year our radio service began to more resemble the form we know today. Among the changes implemented was the allocation of official international prefixes. Earlier, "interim prefixes" were used to indicate a station's nationality, e.g., a station in (North America) United States was prefixed "NU," (Europe) Belgium "EB," (South America) Peru, "SP" and (Asia) China, "AC." For the continental United States the new rules assigned the prefix "W" and for U.S. possessions and territories, "K."

The amateur bands were greatly revamped with much low end spectrum lost and a shift to higher frequencies. The new frequencies included the formerly thought useless 10-meter band—located in that era's VHF territory. This new frontier prompted experimentation, innovative circuit designs and insights into its intriguing propagation characteristics.

QST, June 1928

"The Communications Department" column by F.E. Handy featured some cautionary tales. Mr. Handy recounted business interests' attempts to bribe amateurs into transmitting commercial traffic in violation of Federal Radio Commission (FRC) regulations. One operator was offered "...a whole set of fine station equipment..." A hotel attempted to recruit a club

to relay hotel guests' messages. The bottom line was a "...fine meeting place with free light, power and heat..." A newspaper asked amateurs to form a club and create a net for the "...collecting of amateur news for the paper." Their reward: a clubroom and the "...facilities of a powerful station..."

Radio Broadcast, September 1928

Paul M. Segal, general counsel of the American radio [sic] Relay League, has prepared a scholarly opinion as to the type of messages and the character of stations permissible in the amateur band. After carefully tracing the foundation of his opinion, he concludes that "an amateur operator, at an amateur radio station, may, under the law, accept for transmission, transit, relay or delivery a message of any kind of text, import or source, so long as no money or other valuable consideration directly or indirectly paid or promised to him, or charged or accepted by him, subject, of course, to the general laws against profane or obscene language over the air."

An experimental work, conducted for the benefit of manufacturers and not as the personal hobby of the amateur conducting it, is not therefore permissible in any of the amateur bands. In view of the great curtailment of frequency space recently experienced, the amateur is

"...some
cautionary
tales."

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A Bicycle Mobile Adventure

Part IX

Scott B. Laughlin, N7NET

Synopsis of Part VIII

Alice and Wiley, after declaring an unscheduled rest day in Williams, leave town prepared for the journey to Peach Springs. But the waitress in an Ashfork café warns them there may be no place to stay there. They change their destination to a campground at Grand Canyon Caverns, which is ten miles closer.

Upon reaching the caverns they discover the cook has

left for the day. However, they shopped at Ashfork and dinner is not a problem.

The following morning they break camp early and take breakfast in Peach Springs, then continue their trek toward Kingman, arriving shortly before sunset.

Part IX

The bike shop is easy to find. In their haste to get on the road early, they breakfast at a small cafe serving the local morning crowd and arrive at the bike shop an hour before they open. A small stand of poplars occupying the northeast corner of the parking lot shades a large wooden picnic table. It's been there quite awhile, and the sun has done its signature on the gray top. In spite of the warping, the old slab is probably as sturdy as the day it began its watch. They claim one side and wait.

A half hour passes.

An aging Honda 1200 rattles into the parking lot and stops. A man with a heavy limp and gray hair climbs from behind the wheel. He was bearing a poppy seed muffin and a pint of orange juice.

"Hi," he says, as he joins them at the table. "What's wrong with the bike?" he asks, squinting at the tandem.

"A major tune is all," says Wiley, explaining the extent of their tour. "Name's Jim," he says, reaching across the table, his eyes gravitating to the tandem again. Sure wish I were free to join you. The dog does well, does he?" he adds.

"Oh yeah," says Alice, "McBark gets along well."

They exchange pleasantries and Jim explains that he owns the store and that his tandem expert should be along shortly. Before Jim has completed his sentence, Art, a gaunt young man in cycling shorts arrives on a red Cannondale with panniers bearing an echo of Jim's breakfast, a poppy seed muffin and a pint of orange juice. After wolfing down his breakfast he squats and visits with McBark.

In an hour the bike is ready. Both chains and one tire are replaced and both wheels are trued. The bill is \$174.32. As Wiley reached for his debit card Jim stamped the repair order PAID.

"It's been taken care of. You two have a safe trip."

"But...."

"No buts about it. In return, please send us some post cards and photos."

"You got it, my friend," said Wiley, then added, "how far to civilization if we follow 93?"

"Boulder City. About 80 miles. Take water. It hasn't rained out there in a thousand years."

Wiley smiled. He knew the feeling. A few years back he'd motorcycled into Colorado National Monument. It seemed like it might have been a thousand years since it rained in that place too.

They spent the day on the road. The traffic is light and the shoulder narrow. The scenery is sparse, so Alice broke out a paperback of *The Shining* and began reading aloud. Then....

*"how far to
civilization...?"*



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"What's that on the road," asked Wiley.

Alice stopped reading and gazed over his shoulder for several moments. "It's too far away to be sure, but it looks like two people and a motorcycle at the roadside."

They pedaled on and in a quarter hour Wiley finds that it is indeed what Alice had suggested, a man and woman standing beside a Harley-Davidson chopper. The man looks to be in his mid-thirties with far too many tattoos. The woman was a full-figured girl hardly out of her teens with dark eyes and long auburn hair.

"Is everything okay?" called Alice as they rolled to a stop.

"We broke an oil line," the woman answered.

The man frowned at his woman.

That was when Alice noticed the path of oil beginning several yards and puddled where they'd stopped. "Can we help?"

"Not unless you have a spare line and some oil," answered the man in a sarcastic tone.

Wiley recognized the man for what he was and came to Alice's defense. "Sorry, pal. Can't help you there. But we might be able to scare up some help."

"And how would you do that, speed across the desert to Vegas?"

Alice leafed through her repeater book and tried a couple repeaters, but nothing was within range of her HT. Wiley considered the portable beam he'd used one evening then decided against it. Checking his watch he knew a mid-day 20-meter traffic net was probably in session. Rather than following his urge to simply ride away this overbearing character, Wiley put his personal feelings aside and begins setting up his 20-meter station.

"I doubt you'll find anybody this far out with a CB."

"Probably not," agreed Wiley, while connecting the battery then retrieving his coax.

Fortunately, a sideband net was still in progress. Wiley broke in. After reporting the problem and location the NCS put the net on standby while he handled the situation. Within a few short minutes the NCS reported that roadside assistance had just left Las Vegas and en route.

By this time the biker's attitude had shifted somewhat. "What do I owe you?" he asked.

"Nothing, other than pass along this good deed the next time you find a situation where you can make a difference."

They didn't wait for the help to arrive.

The miles passed. They had lunch in full sun while McBark dined on a half sandwich before making his rounds.

Their shadows were long by the time they reached Boulder Dam, where the road narrowed and the shoulders vanished. Near the dam they found a pullout accommodating a gift shop. This is where Wiley bought Alice a sterling silver ring set with two jade stones and a sapphire.

After locating a room in Boulder City Alice brought up a Las Vegas repeater and found an amateur radio club member who was also an avid cyclist.

"Do you know an easy way across Las Vegas?" she asked the cyclist.

"Sure do. Tomorrow is my day off. Several of us were planning a ride. I'll meet you two for breakfast at Boulder City. In fact, several of us probably pedal out there.

"That would be very kind if you could do that." After setting a time and place to meet, she and Wiley went out for dinner. ■

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*"...far too
many tattoos."*



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Letter on Non-Profits

Additional for Clubs Seeking 501(c)(3) Status

John Swartz, WA9AQN, Attorney Licensed in Illinois

In "So, You Want to be a Non-Profit?" (*K9YA Telegraph*, Vol.8, Issue 10, October 2011), Paul Ross, W3FIS, outlines the basic process he used to create a not-for-profit entity and qualify for treatment under Section 501(c)(3) of the Internal Revenue Code. While his general outline is accurate, it is not a complete explanation of the issues and the scope of what may legally be required for whatever activities may be contemplated by an organization. This letter is written to highlight some of those issues, it is not intended as direct legal advice to any readers; the laws of each state will vary, and readers are cautioned that advice from a professional who is licensed in your state or jurisdiction should be considered.

Section 501 of the Internal Revenue Code is the overall section exempting certain kinds of non-profit entities from the requirement of paying income taxes on its own revenues. The tax code itself recognizes 28 different categories of non-profit entities. These categories include labor unions, scientific research organizations, social clubs, athletic clubs, and others. However, it is only donors to those entities recognized under subsection (c)(3), who are then allowed to deduct their contributions from their own income taxes as charitable contributions. Not every non-profit entity is recognized under these provisions. Social clubs are not in this category.

An entity formed or operating as a general radio club, which conducts general social meetings, participates in Field Day, and sponsors a small hamfest may not qualify for the favored treatment allowed its donors under subsection (c)(3); the organization must be formed for the limited purposes for which such deductions are allowed.

The content of the organizational documents will be examined by the IRS and will be critical in whether the IRS recognizes the organization for special treatment. To qualify for recognition under subsection (c)(3), an organization must have been organized and operated exclusively for certain limited purposes. The IRS will look at the

organizational documents to see whether they limit the activities of the organization to those recognized purposes. As Mr. Ross noted, qualification for 501(c)(3) recognition requires that the organizational documents additionally contain provisions that prohibit the distribution of assets in certain ways. In order for the organization to obtain recognition, it must not have the legal authority to dispose of its assets for any other purposes than those for which it was created or which are recognized under the tax code, whether that disposition is made during ordinary operations or when the organization is going to cease operations and dispose of its assets. Therefore, it is important for the organizers to be familiar with the special requirements which the tax laws impose when the organization is established.

Whether or not a group intends to attempt to qualify for 501(c)(3) status that would enable donors to deduct contributions, the selection of

and creation of a legal entity is an important issue for any group that considers staging or participating in public events. In most jurisdictions, the creation of a not-for-profit corporation or other entity will reduce the likelihood that members may become individually liable for injuries or accidents occurring during an event.

A tower falling on a visitor during a Field Day operation would be one obvious example. In the absence of a separate legal entity, each member could become jointly and severally liable with all other members for injuries to third parties. The personal assets of every member could be at risk when such an accident occurs during an event held by a group that has not formed a legally recognized entity for its activities. For this reason alone, readers who are members of unincorporated associations may wish to consider creating a legal entity for their activities. But, I cannot speak to the applicability of this principle in all jurisdictions; the reader is cautioned to seek the advice of a qualified professional in his or her own state.

*"...examined
by the IRS..."*

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Those two processes, creation of the entity and recognition by the IRS, may not be the entire story. There may be more requirements to consider. If your state has its own income tax laws, you will need to know whether recognition by the IRS is sufficient, and, whether you need to file annual returns or reports with your state's revenue department. There may be other legal requirements as well. If you will be soliciting contributions from the public, you may need to register and comply with other laws in your jurisdiction. And, your state may allow purchases by the non-profit entity to qualify for exemption from sales or use taxes, but that may require a separate application process altogether.

Finally, you will have to know what continuing reporting and fee requirements may attach to these legal obligations. Not only will your organization have to file periodic reports with the IRS, but you may also have reporting and fee requirements to whatever state agencies issue corporate charters, handle revenue matters, and that regulate entities that solicit charitable donations.

An experienced legal professional can be of great assistance in expediting the entire process. The ARRL maintains a register of attorneys, called Volunteer Counsel, who are willing to provide a free consultation and who may be of help in this area. Again, this letter is not intended to give specific legal advice; the circumstances of each reader who desires to pursue creation of such an entity will require separate consideration, and the laws of each state vary. The purpose of this letter is to note that there is more to be considered than the completion of one or two application forms. ■

Ham Quips

DICK SYLVAN, W9CBT



HAM LAWYERS DEBATING A PROBLEM INVOLVING OHM'S LAW

K7UGA Special Event Operation



The Central Arizona DX Association announces its special event operation celebrating the Arizona Centennial the week of February 13-19, 2012. They will be using the call of the late senior senator, and Arizona native son, Barry M. Goldwater, K7UGA. Individual CADXA members will be operating from their home stations located throughout Arizona that week using the call K7UGA. However, only special operating locations from Tucson, Prescott and Phoenix will be on the air celebrating the 100th anniversary on Tuesday, February 14, 2012.

Operations will be on all amateur bands (160–2 meters); and will be using SSB, CW, RTTY, PSK31 and satellite modes.

This CADXA special event operation has proudly received recognition from the 2012 Arizona Centennial Foundation as a sanctioned "Special Event" and from the Arizona Historical Advisory Commission as an official "Centennial Legacy Project."

More details at: www.cadxa.org

AMATEUR RADIO'S BEST

Your Opportunity to Speak Up

Here's your opportunity to name the amateur radio community's best. In your opinion the individual, club, group or ham entrepreneur, who deserves recognition as one of ham radio's best, and why?

Perhaps it's the elmer who helped you earn your first license, the vendor who consistently offers exceptional value and personal service, a memorable QSO with a remarkable operator, the spontaneous group who assembled to raise your tower, the take charge guy or gal who makes sure Field Day happens, the op with all the answers—everyone's go-to-guy, or the homebrewer whose creations rival commercial gear. We're not looking for ham radio celebrities, but not excluding them either. Rather, at the most personal level, we want you to tell us who, in your opinion, deserves being named one of amateur radio's best.

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Using the Cloud

A Case Study in Modern Technology

Paul W. Ross, W3FIS



First it was ham radio bringing us together internationally. Now, it is the Internet and ham radio.

The Internet has surely changed the way we deal with amateur radio. Exchange of information and mentoring fellow amateur radio operators has been part of the hobby since the beginning. I remember a fellow helping me with an early project when I was in high school and taking me to task for my soldering technique, or lack thereof—I cured that problem quickly.

So, where does the access to the Internet lead us in respect to amateur radio, other than the obvious things like LOTW or weak signal propagation reporting?

Recently, I had the opportunity to participate in a collaborative venture that took advantage of a cloud environment. Not long ago, I purchased a remarkably inexpensive, fully functional, made in China, Baofeng handheld amateur radio transceiver. In fact, I liked it so much I even purchased a second one—in yellow. One cannot ever have enough toys.

If you have ever purchased electronics made in China you know the instruction manuals often don't quite make the transition from Chinese to English. Now, with Baofeng vendors in Hong Kong and the United States, interest in the radio is international.

I am a big fan of using the Internet for research. When I develop a new interest in something I frequently find a community of people with similar interests—often on Yahoo! Groups. Well, I joined the Baofeng group and found many people were having the same problems I was—what *does* this peculiar phrase in the manual *really* mean? How does this or that feature *really* work? One member of the group, who lives in Italy, jumped into the fray and started to put together a Frequently Asked Questions file, often called a FAQ. He invited the group (now pushing 1,400 members) to add their contributions and insights.

The mechanism to bring this off was the Google Docs cloud collaborative system. I had tinkered around with Google Docs a little, but really never had a decent opportunity or motivation to do something useful, or develop a project of any magnitude.

I had been trying to explain a few of the radio's strange features to some fellow amateur radio operators, so I joined in. The person “in charge” of the project had set up access rights so anyone could make changes. He also provided a rough outline of potential topics, soliciting both contributions and editorial efforts. He acted as librarian or version manager, as well as dealing with the logistics of file backups and distribution.

We were also invited to list our names and locations. Within two weeks, we had seven contributors, from five countries, and two continents. Talk about seriously “international” efforts in the best traditions of amateur radio!

So, what can we learn from this?

- With the right tools, and minimal management, collaboration is easy.
- Synergism wins—the results were more comprehensive than one person might be able to synthesize on their own.
- The results were obtained in a relatively short period of time, considering the contributors had “real jobs,” and could only devote a small amount of their time to the project.
- The tools are readily available. If you don't like Google Docs, check out an open software product called “EtherPad” or “Wikispaces.”

“Synergism wins”

The only apparent drawback of this whole thing was the intercontinental issue of a ten-time zone difference from Wisconsin (GMT-6) to Romania (GMT+3). If I, or others, made a change or suggestion, it might not be

until the next day that we would receive a response. Fortunately, the English language has become the norm in many fields. Other than some issues of spelling (UK versus US) and goofy idiomatic expressions, the language and cultural differences made no difference whatsoever.

After sufficient progress was made on the suggested topics, and a few others added, the manager of the project in Italy did some final clean-up editing, and released it as a PDF file to the interest group. The Google Docs file remains open for changes and additions, and periodically is re-released to the group.

Overall, it was a classic ad hoc and spontaneous effort on the part of an interested group to solve a common problem. The outline of desired topics and writing assignments are created in the master document.



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justified in resenting any invasion of these rights and, for his own protection, should jealously guard against any professional use of the limited space in the air assigned him. Such services as those performed by 6ARD for the San Francisco Examiner in reporting the flight of the Southern Cross are legal in the amateur band only in no emolument, direct or indirect, was paid to the amateur station, according to Segal's definition of an amateur station.

Chicago Daily Tribune, January 18, 1928

Chaos May Cause America to Lose Radio Channels

Many newspapers, broadcasters, shipping lines and amateurs urged the FRC to move on the allotment of radio channels pursuant to an international convention. Whereas other nations were well along in the assignment of the 3,000 channels then available in the radio spectrum between 10 and 200 meters, the U.S. Senate failed to confirm three of four presidential nominations to the FRC rendering that agency "absolutely motionless."

Representatives of the interested parties, were cognizant of a joint army-navy statement that prompt action was essential as "...the United States [was] in grave danger of losing a large share of these channels, of which there is pressing need." Notable amongst those seeking channels were "Hearst interests" and the New York Times. This regulatory impasse made amateur radio spectrum and privileges all the more attractive and essential to them.

Wild and Woolly

Amateur radio was maturing, becoming better defined and structured and with that coming of age it lost much of its wild and woolly attributes. Caught up in this reformation were the, as *QST* tagged them, "non-amateur" stations of Pulitzer's New York Times, U2UO/2UO, and Hearst's San Francisco Examiner, 6ARD/W6ARD.

"...the biggest headlines..."



U2UO QSL card courtesy of K8CX Ham Gallery
<http://hamgallery.com>

Twenty-first century hams reading 1920s newspaper accounts of expeditions, scientific endeavors and record making attempts will find much of the amateur radio participation puzzling. For the answer to that puzzle we must look to the sponsors of those endeavors. Tales of men tackling and conquering nature and stretching the limits of scientific knowledge sold newspapers. Thus, newspapers were major underwriters of those ventures. Newspaper-operated amateur radio stations monopolized the information sent by hams and other radio operators accompanying the expeditions. The June 1928 *QST* editorial targeted this situation and challenged the FRC's granting of amateur licenses to commercial interests. (For examples of Hearst's North American Newspaper

Alliance involvement see the *K9YA Telegraph*, "Nautilus to the Pole," March 2010 and "Nonmagnetic Yacht Carnegie," May 2010. Hearst papers and the New York Times, see "Zeh Bouck," March 2005, were

not the only players, for an example of the Chicago Tribune's participation see "The 'Untin' Bowler," January 2009.) Updates relayed direct from the field scooped the newspaper's competition, boasted the biggest headlines and sold more papers.

The Register, Adelaide, Australia, July 22, 1928

NEWS FLASHED BY RADIO TO SHIPS ON SEVEN SEAS; Mariners Laud 2UO's Press Service Inaugurated Upon Byrd's Suggestion—Ships on Other Side of the Globe Maintain Contact with Times Square via Short-Wave Radio Big News Stories Summarized. Messages of Appreciation. Conquering Tropical Static.

WE are piled high on Nukulailai Reef. Your signals are always R-10 (loudest a signal can be reported) and the clean-cut, snappy sending of the operators makes it a pleasure to copy your press." The Nukulailai Reef is an atoll in the Ellice group of the South Sea Islands.

This publicity did not escape hams' scrutiny and was duly noted in the pages of *QST*.



Nukulailai Reef



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In December 1928 *QST*'s "Correspondence" R.E. Study, 2AGU, who had visited and operated the New York Times' amateur station, 2UO, defended its operation. He noted it provided communications with the families and friends of the members of expeditions. "There is no law being violated as far as I know if the *Times* uses a few news items received through contact with these expeditions etc."

Citing complaints that 2UO doesn't work other amateur stations Mr. Study wrote the New York Times' operators "(all good men)" are "not **paid** for the purpose of amateur operating." [Emphasis added and contradiction noted.] Next he states, "Just listen around the band and count the number of stations answering 2UO's CQ!" Likely the CQs were intended for stations prearranged to pass news and information to family, friends *and* the New York Times.

K.B. Warner, ARRL secretary-editor, replied to Mr. Study stating the New York Times station did not meet the criteria for an amateur station: "...an amateur station is one owned by an amateur, that is, by an individual interested in the pursuit of the art and without pecuniary interest."

In the same column and following the above exchange, it was reported that after a later visit to 2UO Mr. Study found "...it was much more of a commercial station than he thought." Continuing, "I see now that the *Times* has used our bands for a purpose that other bands are provided for." And, "Now after a careful study of it I can see how the *Times* has advanced 2UO in a commercial way." He adds, and what he says reflects the governmental paralysis noted above: "I was told by a member of the *Times* radio department that the government has refused them a government license...."

In those pre-Internet, publishing lead times, the news often trailed type already set.

December 1928, *QST* "Strays": *On Nov. 7th the Federal Radio Commission in response to numerous representations of the A.R.R.L., revoked the amateur station licenses of the San Francisco Examiner and the New York Times, calls respectively W6ARD and W2UO. Thus is corrected an old injustice which has been fully explained in past issues of QST.*

The culling of these newspaper stations further differentiated amateur radio as a uniquely, non-pecuniary, non-commercial service. No more with a "wink and a nod" could business entities

co-opt amateur radio spectrum and privileges to their devices and profit. Thus, ham radio's freedom from commercial interests was a bulwark in its defense when its continued existence was challenged.

The loss of their amateur radio licenses did little to hamper papers' newsgathering ability. The Hearst papers went big and established the American Radio News Corporation that operated press traffic stations KUP in San Francisco and WRH (William Randolph Hearst) in New York. Other Hearst stations were located in Chicago, Denver and Cuba. The New York Times, following revocation of its amateur license, was granted a commercial license, WHD, "...on certain frequencies in the mobile bands, presumably as a station in the mobile service, i.e., as a 'coastal' station."

Nor did this episode spell the end of amateur radio's continued involvement with newspapers and other newsgathering entities. Amateur radio operators would continue to serve scientific expeditions and explorers' endeavors for decades to come. The difference being openness to the role they played and the scent of pecuniary interest dwindled to an imperceptible level as the most egregious of offenders were disarmed. ■

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What followed was:

- Each contributor entered their own material in response to their assignment.
- Contributors get a chance to easily harmonize their material with the work of others.
- It is easy to monitor progress.
- Overall editing is enhanced, as contributors can come to a consensus before the final report or product is released.

Once again, we see that collective efforts in amateur radio enhance the hobby and make it easier for all of us. "Elmering" wins. ■