

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|-------------------------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| Amateur Radio Station License of |) | File No. 0000993298 |
| Richard L. Smith to Modify the |) | |
| Call Sign of Amateur Station KC4USH |) | |

ORDER OF MODIFICATION

Adopted: January 16, 2004

Released: January 22, 2004

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order of Modification*, we modify the license for Amateur Radio Station KC4USH, Chesapeake, Virginia. Specifically, we modify the Amateur Radio Service station license issued to Richard L. Smith (Smith) to show the call sign KG4UKV, which was the call sign assigned to his amateur station prior to the grant of the captioned application. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Smith's license.¹

2. *Background.* In the *Modification Proposal*, we concluded that the grant of the vanity call sign KC4USH to Smith's amateur station was defective because the call sign is included in the call sign block KC4USA through KC4USZ which is available to the Department of the Navy for the use of amateur stations at U. S. Navy Antarctic stations.² We were unable to set aside the grant of Smith's above-captioned application because we did not become aware of the error until more than thirty days after the grant occurred. As a result of our error, we proposed to modify Smith's license pursuant to Section 316(a) of the Communications Act of 1934, as amended,³ by exchanging KC4USH with the call sign previously assigned to Smith's amateur radio station, KG4UKV.⁴ In this connection, we tentatively concluded that the proposed modification would serve the public interest by ensuring that the call sign block KC4USA-KC4USZ is only used to identify amateur stations that are located at U. S. Navy Antarctic stations as provided in the Commission's Rules.

3. *Discussion.* A copy of the *Modification Proposal* was sent to Mr. Smith with the requirement that any protest thereto be submitted within thirty days of its the release date.⁵ On July 30, 2003, Mr. Smith submitted a letter protesting the proposed modification.⁶ In support of his protest, Mr. Smith states that the call sign KC4USH was the only call sign he wanted as a vanity call sign because it was the call

¹ See *Memorandum Opinion and Order*, DA 03-2183 (w/copy to Mr. Smith) (rel. July 3, 2003) (*Modification Proposal*).

² *Id.* at 1.

³ 47 U.S.C. § 316(a). Section 316(a) requires that we notify the affected station(s) of the proposed modification(s), the public interest reasons for the action, and afford at least 30 days to respond.

⁴ See *Modification Proposal* at 1.

⁵ 47 C.F.R. § 1.87(a).

⁶ Letter from Richard L. Smith (filed Jul. 30, 2003) (Letter).

sign used at Cape Hallett Station, Antarctica, when his father was located there during Operation Deep Freeze 60,⁷ that he applied for the call sign in good faith, and that he has spent considerable personal funds to make others aware that he was assigned this call sign.⁸ Mr. Smith also notes that the call sign KC4USH has not been issued since 1974 and that, with the exception of the call sign KC4USV, the U.S. Navy is not using any call signs in the call sign block made available to it.⁹

4. We have considered the statement and evidence that Mr. Smith has submitted. As an initial matter, we note that the reason a licensee requests a particular vanity call sign is not a sufficient basis to allow a licensee to retain a call sign that is otherwise unassignable to the licensee's station pursuant to the Commission's Rules. In this case, all call signs from the call sign block KC4USA through KC4USZ have been made available to the Department of the Navy for the use of amateur stations at U.S. Navy Antarctic locations.¹⁰ For this reason the rules applicable to our call sign systems, including the vanity call sign system, have consistently stated that call signs from the call sign block KC4USA-KC4USZ are not available for assignment to amateur stations licensed by the FCC.¹¹ We conclude, therefore, that we must modify Mr. Smith's license to show a call sign that is available to the FCC-licensed amateur station.

5. With regard to Mr. Smith's contention that the U.S. Navy is only using one call sign in the call sign block made available to it, we note that such claim, even if it is correct, does not provide a sufficient basis for Mr. Smith to retain the call sign KC4USH in contravention of the FCC's rules and policies. In this regard, we note that other call sign blocks have been made available to other agencies¹² and that with the exception of the call sign block KG4AA-KG4ZZ, very few of these call signs have been assigned. Nonetheless, once the FCC makes a call sign block available to another licensing agency, those call signs may no longer be assigned to amateur stations by the Commission. Call sign assignment policies applicable to those call signs, including when and whether to assign them, become the responsibility of the other agency. We also note that we are unaware of any reason that the U.S. Navy could not resume assigning these call signs to stations operating from Antarctica. Further, given the FCC's prior decision to make such call signs available to the U.S. Navy, the record in this proceeding does not present a sufficient basis for revisiting this issue or suggesting modification of the U.S. Navy's flexibility in this regard.

6. As we noted in the *Modification Proposal*, the assignment of the call sign KC4USH was an error. We apologize for any inconvenience this error has caused Mr. Smith. We have reviewed our call sign assignment systems and policies and made corrections necessary to ensure that these systems do not assign call signs that are unavailable to FCC-licensed amateur stations in the future. Based on the record in this matter, however, we conclude that it would be in the public interest to modify Mr. Smith's amateur

⁷ See Letter at 1.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ See Letter dated July 21, 1959, from Secretary, Federal Communications Commission, to Dr. T. O. Jones, Office of Special International Programs, National Science Foundation (NSF) (making available to NSF the call sign block KC4AAA-KC4AAF and reciting conditions applicable to use of the call sign block KC4USA-KC4USZ by the U. S. Navy.)

¹¹ See *Public Notice* "FCC Announces Amateur Station Call Sign Assignment System" Mimeo No. 98607 (released Mar. 30, 1978) (call signs not assignable to amateur stations by the FCC: KC4AAA-KC4AAF and KC4USA-KC4USZ) and <http://wireless.fcc.gov/services/amateur/callsigns/vanity/index.html#2> (the following call signs are not available for assignment: KC4AAA-KC4AAF and KC4USA-KC4USZ.)

¹² For example, the call sign block KA2AA-KA9ZZ is available to U.S. Army authorized amateur stations in Japan, the call sign block KG4AA-KG4ZZ is available to U.S. Navy authorized amateur stations at Guantanamo Bay, Cuba, and forty call signs having the first two letters AF, KF, NF, or WF and the letters EMA following a numeral are available to the Federal Emergency Management Agency (FEMA).

station license for KC4USH, Chesapeake, Virginia, by exchanging the call sign KC4USH with the call sign KG4UKV.¹³

7. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the station license for Amateur Radio Station KC4USH IS MODIFIED to show the call sign KG4UKV.

8. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested to Richard L. Smith, 509 Homestead Road, Chesapeake, Virginia 23321.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau

¹³ 47 C.F.R. § 1.87(i).