



Federal Communications Commission  
Washington, D.C. 20554

February 23, 2007

DA 07-814

Mr. Victor Madera  
Puerto Rico Amateur Radio League, Inc.  
P.O. Box 191917  
San Juan, PR 00919-1917

Dear Mr. Madera:

This is in response to the petition dated March 17, 2006 that you filed on behalf of the Puerto Rico Amateur Radio League (PRARL), requesting that Section 97.523 of the Commission's Rules<sup>1</sup> be amended to require that question pools used in amateur radio operator license examinations be prepared for each examination element in languages other than English. For the reasons set forth below, we deny the petition.

Each applicant for each class of amateur radio operator license must pass, or otherwise receive credit for, the appropriate examination elements.<sup>2</sup> Section 97.523 requires, in part, that "[a]ll VECs must cooperate in maintaining one question pool for each written examination element" and that "[e]ach question pool must be published and made available to the public prior to its use for making a question set."<sup>3</sup> Thus, the written examination questions are drawn from a uniform national database of multiple-choice questions and answers approved by the National Conference of Volunteer Examiner Coordinators (NCVEC).<sup>4</sup>

You state that, because there is no uniform Spanish-language version of the question pools, when amateur radio operator license examinations are administered in Spanish, questions are prepared at random by examining Volunteer Examiners (VEs).<sup>5</sup> You are concerned that this method of preparing examination questions may result in Spanish-language examinations being prepared without following a standard pattern, thereby resulting in Spanish-speaking examinees not being treated equally to English-speaking examinees.<sup>6</sup> Accordingly, you propose that Section 97.523 be amended to require the maintenance of question pools in languages other than English. You also state the PRARL has prepared Spanish language versions of the question pools, and could provide them to the Question Pool Committee (QPC) of the NCVEC at no expense.<sup>7</sup>

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<sup>1</sup> 47 C.F.R. § 97.523.

<sup>2</sup> 47 C.F.R. § 97.501.

<sup>3</sup> 47 C.F.R. § 97.523.

<sup>4</sup> See, e.g., 1998 Biennial Regulatory Review -- Amendment Of Part 97 Of The Commission's Amateur Service Rules, *Report and Order*, WT Docket No. 98-143, 15 FCC Rcd 315, 328 ¶ 40 (1999).

<sup>5</sup> See Petition at 1.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at 2 n.3.

The Commission's Rules do not specify any particular language(s) in which amateur radio service written examinations must be administered.<sup>8</sup> Consequently, no rule change is required for the NCVEC QPC to maintain Spanish-language question pools.<sup>9</sup> The rules do, however, assign primary responsibility for maintaining the question pools to the VECs.<sup>10</sup> Consistent with the Commission's decision to require that the VECs cooperate in maintaining standard question pools for amateur radio operator examinations, it appears that the appropriate forum to address your concerns is the NCVEC QPC.<sup>11</sup> In addition, we note that your concern about disparate treatment of Spanish speakers appears to be based on speculation. The petition presents no evidence of an existing problem meriting a rule change.

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), the petition for rulemaking filed on March 17, 2006 by Victor Madera IS DENIED.

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 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>8</sup> See Spanish Language Amateur Radio Operator Examinations, *Memorandum Opinion and Order*, 81 F.C.C. 2d 133, 134 ¶ 9 (1980).

<sup>9</sup> *Id.*

<sup>10</sup> See Permitting Volunteer-Examiner Coordinators to Maintain Pools of Questions for Amateur Operator Examinations, *Memorandum Opinion and Order*, PR Docket No. 85-186, 2 FCC Rcd 2815, 2817 ¶ 10 (1987).

<sup>11</sup> You state that PRARL "contacted" the NCVEC QPC, but you do not provide specific information regarding those discussions. See Petition at 2 n.1.