

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

In the Matter of)
)
HOWARD A. SCHMIDT)
)
Licensee of Amateur Service Station AD7ZS)

ORDER PROPOSING MODIFICATION

Adopted: June 24, 2009

Released: June 25, 2009

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* For the reasons set forth below, we propose to modify the license of Howard A. Schmidt (Schmidt), licensee of Amateur Radio Service Station AD7ZS. Specifically, we propose to modify Schmidt's operator license to show Technician Class operator privileges, and to modify his call sign to WB7NUV.

2. *Background.* On April 28, 2009, W5YI Volunteer Examiner Coordinator (W5YI VEC) sent an electronic data file to the Commission requesting that Schmidt's operator license for amateur Station WB7NUV be modified to upgrade from Technician Class to Amateur Extra Class amateur radio operator privileges, and requesting a new sequential call sign.¹ Based on this application, the Commission granted Schmidt an Amateur Extra Class amateur service operator license on April 28, 2009, under call sign AD7ZS. This license authorizes Schmidt to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(b) of our Rules.²

3. By correspondence dated June 16, 2009, W5YI VEC notified the Commission that it had made a typographical error in the April 28, 2009 data file and that a licensee other than Schmidt had qualified for an Amateur Extra Class operator license.³ W5YI VEC noted that a correction was filed, resulting in the other licensee receiving the operator license for which he had qualified, but that Schmidt's operator privileges had not been returned to Technician Class operator privileges.⁴ Therefore, W5YI VEC urged us to modify Schmidt's license to correct the operator privileges authorized.

4. *Discussion.* We believe that W5YI VEC's request is most properly characterized as an informal request for Commission action under Section 1.41 of the Commission's Rules.⁵ Based on the information now before us, it appears that W5YI VEC intended to request that we modify the operator privileges of the licensee of amateur station WB7NJV. It also appears to us that the grant of Amateur

¹ See File No. 0003821761 (filed Apr. 28, 2009).

² See 47 C.F.R. § 97.301(b).

³ Letter via e-mail dated June 16, 2009, from Ms. Tracy Lewis, W5YI VEC, to Mobility Division, Wireless Telecommunications Bureau. W5YI VEC stated that it intended to modify the operator privileges of the licensee of WB7NJV rather than WB7NUV.

⁴ *Id.*

⁵ 47 C.F.R. § 1.41.

Extra Class operator privileges to Schmidt was erroneous because he did not pass the examination necessary to qualify for an Amateur Extra Class operator license. Rather, he appears to be currently authorized to operate with Amateur Extra Class operator privileges due to a typographical error made during the application process.

5. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁶ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁷ We believe that a modification of the license for amateur station AD7ZS to replace Amateur Extra Class operator privileges with Technician Class operator privileges and replace call sign AD7ZS with call sign WB7NUV is appropriate.

6. In accordance with Section 1.87(a) of the Commission's Rules,⁸ we will not issue a modification order until Schmidt has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Schmidt must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁹ If no protest is filed, Schmidt will have waived his right to protest the modification and will be deemed to have consented to the modification.

7. *Conclusion.* For the reasons stated above, we conclude that the grant of Amateur Extra Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station AD7ZS by replacing Amateur Extra Class operator privileges with Technician Class operator privileges, and replacing call sign AD7ZS with call sign WB7NUV.

8. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Howard A. Schmidt for amateur service Station AD7ZS BE MODIFIED by replacing Amateur Extra Class operator privileges with Technician Class operator privileges, and replacing call sign AD7ZS with call sign WB7NUV.

9. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Mr. Howard A. Schmidt, 26638 S.E. 146th St., Issaquah, WA 98027.

⁶ 47 U.S.C. § 316(a)(1).

⁷ *Id.*

⁸ 47 C.F.R. § 1.87(a).

⁹ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

10. 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

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau