



Federal Communications Commission
Washington, D.C. 20554

August 9, 2010

DA 10-1465

Mr. Richard Ebeling
33 Randolph Road
White Plains, NY 10607-1515

Re: Petition for rulemaking, filed December 15, 2009

Dear Mr. Ebeling:

This is in response to the above-referenced petition for rulemaking that you filed on December 15, 2009 (Petition), proposing that the Commission amend the amateur service rules to authorize more spectrum for voice communications. Specifically, you request that the segment of the 15 meter (m) amateur service band authorized to General Class and Amateur Extra Class licensees for phone (voice) emissions be increased by seventy-five and fifty kilohertz, respectively.¹ For the reasons set forth below, we dismiss the Petition.

You argue primarily that the frequency segment that General Class licensees may use for phone emissions in the 15 m band² should be returned to what it was prior to the Commission's *Incentive Licensing* decision in 1967,³ which you believe unfairly disadvantaged General Class licensees.⁴ We note, however, that the Commission recently increased the spectrum amateur stations could use for voice communications in various amateur bands. In particular, the spectrum that General Class licensees may use for phone emissions in the 15 m band was increased by twenty-five kilohertz.⁵ The Petition does not address this action, or otherwise present evidence that the current amount of spectrum in the 15 m band available for voice communications is inadequate.⁶ Consequently, we conclude that the rule change you request is not necessary. Accordingly, we dismiss the Petition.

¹ See Petition at 1.

² Currently, the 21.200-21.450 MHz segment of the 15 m band is authorized for phone emissions. See 47 C.F.R. § 97.305(c). An amateur station controlled by an Amateur Extra Class licensee is authorized to transmit a phone emission in that entire frequency segment, and an amateur station controlled by a General Class licensee may transmit a phone emission in the 21.275-21.450 MHz frequency segment of the band. See 47 C.F.R. §§ 97.301(b), (d), 97.305(c).

³ See Amendment of the Amateur Radio Service Rules to Provide for Incentive Licensing and Distinctive Call Signs, *Report and Order*, Docket No. 15928, 9 F.C.C. 2d 814 (1967) (*Incentive Licensing*).

⁴ See Petition at 2-4.

⁵ See Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Report and Order*, WT Docket No. 04-140, 21 FCC Rcd 11643, 11650 ¶ 12 (2006) (expanding 15 m band spectrum that General Class licensees could use for phone emissions from 21.300-21.450 MHz to 21.275-21.450 MHz) (*Report and Order*).

⁶ Moreover, we disagree with your contention that there has been a "severe reduction" of the frequency privileges authorized General Class licensees since the *Incentive Licensing* decision. See Petition at 2-3. In addition to authorizing General Class licensees additional spectrum for phone emissions in the 15 m band, the 2006 *Report and Order* increased the spectrum that General Class licensees could use for phone emissions in the 75 m and 40 m amateur bands. See *Report and Order*, 21 FCC Rcd at 11650 ¶ 12. Additionally, we note that since the

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Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by Richard Ebeling on December 15, 2009, IS DISMISSED.

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

Incentive Licensing decision was adopted, General Class licensees have been authorized spectrum for phone emissions in the 17 m and 12 m bands, and additional spectrum in the 10 m amateur band. *See* 47 C.F.R. §§ 97.301(d), 97.305(c). The cumulative effect of these changes more that offsets the changes in General Class phone frequency privileges adopted in the *Incentive Licensing* decision.