



Federal Communications Commission
Washington, D.C. 20554

May 21, 2012

DA 12-795

Glen E. Zook
410 Lawndale Drive
Richardson, TX 75080

Re: Petition for modification of rule 47 CFR Part 97 Section 97.119 filed October 17, 2011

Dear Mr. Zook:

This is in response to the above-referenced petition for rulemaking requesting that Section 97.119(a) of the Commission's Rules¹ be amended to include an exception to the station identification rule.² For the reasons set forth below, we dismiss the petition.

Section 97.119(a) provides that an amateur station "must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions."³ You assert that the requirement that a station transmit its assigned call sign at the end of each communication is routinely violated by amateur operators. You propose to address this by adding to Section 97.119(a) an exception formerly contained in the Commission's regulations pertaining to the Amateur Radio Service. Specifically, you request that the rule be amended to provide that if an amateur station transmits its call sign during its first transmission, the call sign need not be transmitted at the end of the communications if the total communication is less than three minutes. You refer to this as the "3-minute rule."

In 2006, you filed a petition for rulemaking requesting that the Commission amend Section 97.119(a) to incorporate certain portions of the Commission's former station identification rule, including allowing the transmission of the call sign to be omitted at the end of a series of transmissions lasting less than three minutes.⁴ After placing the petition on public notice and receiving approximately one hundred comments, the Wireless Telecommunications Bureau's Mobility Division (Division) dismissed it in 2007, concluding that the requested changes were neither necessary nor supported by the amateur radio community, and that the problem of amateur operators not identifying their stations would be better addressed by enforcement of the present rule rather than a rule change.⁵

¹ 47 C.F.R. § 97.119(a).

² Petition for modification of rule 47 CFR Part 97 Section 97.119, filed October 17, 2011. On the same date, you filed a Revised Petition for modification of rule 47 CFR Part 97 Section 97.119, which modified the proposed rule language.

³ See 47 C.F.R. § 97.119(a).

⁴ Letter dated May 10, 2006 from Glen E. Zook to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-11347, at 3 (filed May 19, 2006).

⁵ See Changes in Part 97 with Regard to Amateur Radio Service Rules, *Order*, 22 FCC Rcd 12730, 12732-33 ¶ 6 (WTB MD 2007).

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In 2009, you again requested that Section 97.119(a) be amended to incorporate certain portions of the Commission's former station identification rule, including allowing the transmission of the call sign to be omitted at the end of a communication or series of transmissions lasting less than three minutes.⁶ The Division dismissed the petition later that year because the petition did not present evidence meriting a rule change or demonstrate that circumstances had changed since 2007 with respect to the adequacy of the current station identification rule.⁷

In 2011, you filed the instant petition requesting that Section 97.119(a) be amended to allow the transmission of the call sign to be omitted at the end of a communication when the total communication lasted less than three minutes. Section 1.401(e) of the Commission's Rules provides that petitions for rulemaking that are "repetitive, frivolous, or which plainly do not warrant consideration by the Commission" may be dismissed.⁸ Your proposal to reinstate the "3-minute rule" was dismissed twice in the last five years. Your latest petition sets forth no new facts or changed circumstances warranting further consideration of the proposal. The current petition, therefore, is repetitive. Accordingly, we dismiss the petition.⁹

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, as supplemented by the revised petition for rulemaking, filed by Glen E. Zook on October 17, 2011, 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

⁶ Letter dated March 26, 2009 from Glen E. Zook to Federal Communications Commission, Office of the Secretary, at 3 (filed April 7, 2009).

⁷ See Glen E. Zook, *Letter*, 24 FCC Rcd 14408, 14409 (WTB MD 2009).

⁸ 47 C.F.R. § 1.401(e).

⁹ See *The O.T.R.H., Inc., Order*, 1 FCC Rcd 573, 573 n.1 (1986) ("The Commission's resources are ill spent in considering repetitious pleadings . . .").