



Federal Communications Commission  
Washington, D.C. 20554

November 17, 2017

DA 17-1118

Jeffrey H. Siegell  
8919 Kenilworth Drive  
Burke, VA 22015

Dear Mr. Siegell:

We have before us your petition for reconsideration<sup>1</sup> of the decision of the Wireless Telecommunications Bureau's Mobility Division (Division) dismissing your petition for rulemaking requesting that the Commission amend part 97 of its rules to grant Advanced Class license holders telegraphy operating privileges equal to those of Amateur Extra Class licensees.<sup>2</sup> For the reasons discussed below, we deny your petition for reconsideration.

In 1999, the Commission reorganized its amateur licensing system into three classes—Technician, General, and Amateur Extra—but permitted licensees in the discontinued Novice and Advanced classes to continue to renew their licenses.<sup>3</sup> It concluded that the three-class structure would streamline the licensing process while still providing an incentive for licensees to advance their communication and technical skills.<sup>4</sup> The Commission recognized that the primary difference between qualifying for an Advanced class license and an Amateur Extra class license was less the difficulty of the written examination than that Amateur Extra class licensees passed a harder Morse code test.<sup>5</sup> Nonetheless, the Commission specifically rejected suggestions that it automatically upgrade Advanced class licensees to Amateur Extra class, concluding that it would be inappropriate for these licensees to “receive additional privileges without passing the required examination elements.”<sup>6</sup> Rather, the Commission expected Advanced class licensees who wanted additional operating privileges to upgrade to Amateur Extra class.<sup>7</sup> In 2005, the Commission denied petitions requesting that Advanced class licensees

<sup>1</sup> Petition of Jeffrey H. Siegell for Reconsideration (filed Jan. 12, 2017) (Petition).

<sup>2</sup> *James Edwin Whedbee; Jeffrey H. Siegell*, Letter Order, 32 FCC Rcd 49 (WTB MD 2017).

<sup>3</sup> See *1998 Biennial Regulatory Review – Amendment of Part 97 of the Commission's Amateur Service Rules*, Report and Order, 15 FCC Rcd 315, 322-23, paras. 13-14 (1999) (*Restructure Report and Order*); see 47 CFR §§ 97.17(a), 97.21.

<sup>4</sup> See *Restructure Report and Order*, 15 FCC Rcd at 322-23, para. 13. Among the principles underlying part 97 of the Commission's rules are the “[c]ontinuation and extension of the amateur's proven ability to contribute to the advancement of the radio art” and the “[e]ncouragement and improvement of the amateur service through rules which provide for advancing skills in both the communication and technical phases of the art.” See 47 CFR § 97.1(b), (c).

<sup>5</sup> See *Restructure Report and Order*, 15 FCC Rcd at 323, para. 14. Prior to the restructuring, an applicant for an Advanced class license had to pass four written examination elements and a 13 word per minute (wpm) telegraphy element, and an applicant for an Amateur Extra class license had to pass five written examination elements and a 20 wpm telegraphy element. *Id.* at 321, para. 10.

<sup>6</sup> See *id.* at 324, para. 15.

<sup>7</sup> See *id.* at 323, para. 14; see also *id.* at 346, para. 52.

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be automatically upgraded to Amateur Extra class, again concluding that it would not be in the public interest to grant these licensees privileges that they could obtain by passing the examination element for the higher license class.<sup>8</sup>

In 2006, the Commission eliminated the Morse code test as a requirement to qualify for an Amateur Extra class license.<sup>9</sup> It concluded that an individual's ability to demonstrate Morse code proficiency is not necessarily indicative of his or her ability to contribute to the advancement of the radio art or assist with emergency communications, so Morse code telegraphy should be treated like any other communications technique for purposes of amateur radio licensing.<sup>10</sup>

In your petition for reconsideration (as in your petition for rulemaking), you argue that given that all Advanced class licensees passed a Morse code test while many Amateur Extra class licensees have not, Advanced class licensees should have the same telegraphy operating privileges as Amateur Extra class licensees.<sup>11</sup> As noted above, however, the Commission considered and rejected the option of affording Advanced class licensees any additional operating privileges enjoyed by Amateur Extra class licensees. It also has stopped considering Morse code tests in the awarding of operating privileges. Consequently, we conclude that the Division correctly dismissed your petition for rulemaking, and we deny your petition for reconsideration.

Accordingly, IT IS ORDERED, pursuant to sections 4(i) and (j), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), 405, and section 1.106 of the Commission's rules, 47 CFR § 1.106, that the petition for reconsideration filed by Jeffrey H. Siegell on January 12, 2017, IS DENIED.

This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>8</sup> See *Amendment of Part 97 of the Commission's Rules to Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service*, Notice of Proposed Rulemaking and Order, 20 FCC Rcd 13247, 13264, para. 32 (2005).

<sup>9</sup> See *Amendment of Part 97 of the Commission's Rules to Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service; Amendment of the Commission's Rules Governing the Amateur Radio Services*, Report and Order and Order on Reconsideration, 21 FCC Rcd 14794, 14800, para. 14 (2006).

<sup>10</sup> See *id.* at 14800-02, paras. 14-16.

<sup>11</sup> See Petition at 1.