

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

In the Matter of )
)
1998 Biennial Regulatory Review-- ) WT Docket No. 98-143
Amendment of Part 97 of the Commission's ) RM-9148
Amateur Service Rules ) RM-9150
) RM-9196
)
Petition for Repeal of Rule 47 C.F.R. Appendix 2 ) RM-9831
to Part 97 and All Other Rules Associated with )
Same )
)
Petition for Amendment of the Commission's Rules ) RM-9867
to Establish New Band Plan Authorization in the )
Amateur Service )
)
Amendment of Part 97 of the Commission's Rules ) RM-10018
to Allow Increased Frequency Privileges to )
Amateurs Having Proficiency in Telegraphy in )
Accordance with the International Requirements )
)
Amendment of Part 97 of the Commission's Rules )
Regarding Examination Element Credit for )
Advanced, General and Conditional Class Amateur )
Operator Licenses Issued Before November 22, )
1968 )

MEMORANDUM OPINION AND ORDER

Adopted: March 27, 2001

Released: April 6, 2001

By the Commission:

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## I. INTRODUCTION AND EXECUTIVE SUMMARY

1. In the *Report and Order* in WT Docket No. 98-143, the Commission substantially revised the amateur service license structure by streamlining our licensing processes and eliminating unnecessary and duplicative rules.<sup>1</sup> This *Memorandum Opinion and Order* addresses pending petitions for reconsideration of the *Report and Order*.<sup>2</sup> Because the petitioners' suggested clarifications generally already were considered and rejected, or because they are beyond the scope of the proceeding, we have not modified any Part 97 provisions based on the petitions. We grant the request of petitioners that the amateur service database distinguish between Technician and Technician Plus Class licensees, however, to the extent that these database changes already have been implemented. Additionally, on our own motion, we adopt changes to our Part 13 rules to ensure the telegraphy requirements for commercial radio operator licenses remain unchanged and we make minor editorial changes to certain Part 97 rules.

2. We also deny two petitions for rulemaking seeking changes in frequency privileges for certain operator classes of amateur service licensees.<sup>3</sup> Because a request for comprehensive restructuring of amateur service frequency privileges was considered and rejected in the *Report and Order*, we are denying these petitions as repetitive. In addition, we dismiss a petition for rulemaking seeking to upgrade to the Amateur Extra Class operator license certain individuals who were licensees in 1968<sup>4</sup> and a petition for rulemaking seeking changes in the amateur service sequential call sign assignment system.<sup>5</sup>

<sup>1</sup> 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 (1999) (*Report and Order*) and Errata, April 19, 2000 (*Errata*). The rules changes were published in the Federal Register on February 10, 2000. See 65 Fed. Reg. 6548 (2000).

<sup>2</sup> Petitions for reconsideration must be filed within 30 days from the date of public notice of the Commission's action, as that date is defined in Section 1.4(b). See 47 C.F.R. § 1.429(d). Public notice occurred when the rule changes were published in the Federal Register. See 47 C.F.R. § 1.4(b)(1). Therefore, to be considered timely, petitions for reconsideration of the *Report and Order* must have been filed before the close of business on March 13, 2000.

<sup>3</sup> Dennis Kippa and David J. Hill, *Petition for Rulemaking* (filed Mar. 16, 2000) (RM-9867) (Kippa-Hill Petition); Joseph Speroni *Petition for Rulemaking* (filed Nov. 17, 2000) (RM-10018) (Speroni Petition).

<sup>4</sup> Quarter Century Wireless Association, *Petition for Rulemaking* (filed Oct. 22, 2000) (QCWA Petition).

<sup>5</sup> Eric R. Wolfe, *Proposed Rule Change* (filed Feb. 7, 2000) (Wolfe Petition) (RM-9831).

## II. BACKGROUND

3. Part 97 of our Rules sets forth the requirements an individual must satisfy to demonstrate that he or she is qualified to be a licensee in the amateur radio service.<sup>6</sup> In December 1999, the Commission substantially revised the amateur service license structure by streamlining our licensing processes and eliminating unnecessary and duplicative rules. Based on the amateur service community's support for a simplified and streamlined license structure, the Commission adopted rules that reduced the number of amateur service operator licenses an individual may qualify for from six to three,<sup>7</sup> reduced the number of written examination elements from five to three, and reduced the emphasis on telegraphy to the minimum requirement that satisfies the international *Radio Regulations*.<sup>8</sup> Because it decided that it would no longer issue certain classes of operator licenses, the Commission also adopted changes to the element credit rules so that licensees who, under the previous license structure, received credit for certain examination elements would not have to again pass that examination element to advance to a higher class of operator license.<sup>9</sup> Since these revisions became effective, over 30,000 individuals have qualified for amateur service operator licenses that authorize greater operating privileges.

4. We have before us five petitions for reconsideration of the *Report and Order*.<sup>10</sup> For the most part, the petitioners oppose our efforts to streamline and simplify the amateur service license structure.<sup>11</sup>

## III. DISCUSSION

### A. Operator privileges of former Class A licensees

5. Prior to 1951, there were three classes of amateur radio operator licenses.<sup>12</sup> These licenses were the Class A, B, and C operator licenses. The Class A license was the highest class of

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<sup>6</sup> 47 C.F.R. §§ 97.501-97.527.

<sup>7</sup> The three operator license classes that an individual may qualify for are Technician Class, General Class, and Amateur Extra Class.

<sup>8</sup> *Report and Order*, 15 FCC Rcd at 316 ¶ 3.

<sup>9</sup> *Id.* at 345 ¶ 52.

<sup>10</sup> Millard H. Qualls, *Petition for Partial Reconsideration* (filed Feb. 28, 2000) (Qualls Petition); Fred A. Duran, Jr., *Petition for Partial Reconsideration* (filed Feb. 14, 2000) (Duran Petition); *Petition of ARRL, The National Association for Amateur Radio, for Partial Reconsideration* (filed Mar. 13, 2000) (ARRL Petition); Stewart Teaze, *Petitions for Reconsideration* (filed Mar. 17, 2000 and Mar. 20, 2000) (Teaze Petitions); Alan J. Wormser, Frederick V. Adsit, and Michael J. Dinelli (WAD), *Petition for Partial Reconsideration II (Revised)* (filed Feb. 29, 2000) (WAD II). This last set of petitioners also filed an earlier petition, before the rule changes were published in the Federal Register. Alan J. Wormser, Frederick V. Adsit, and Michael J. Dinelli, *Petition for Partial Reconsideration* (filed Jan. 19, 2000) (WAD I). We note that WAD II subsumes WAD I, and additionally requests clarification of the Federal Register version of a rule. For purposes of this *Memorandum Opinion and Order*, we will refer to both petitions as WAD II.

<sup>11</sup> A list of commenters is set forth in Appendix A.

<sup>12</sup> See Amendment of Part 12, Rules Governing Amateur Radio Service, *Report and Order*, Docket No. 9295, 42 FCC 198 (1951) (*1951 License Structure Decision*).

operator license. The *1951 License Structure Decision* converted the Class A, B, and C operator licenses to the Advanced, General, and Conditional Class operator licenses, respectively.<sup>13</sup> Three new classes of amateur radio operator licenses, including the Amateur Extra Class operator license, were established in the *1951 License Structure Decision*.<sup>14</sup> No licensees were converted or grandfathered to Amateur Extra Class operators.<sup>15</sup> As a result, the Class A, B, and C, operator licenses ceased to exist. In the *Report and Order*, the Commission considered but declined to upgrade to the Amateur Extra Class operator license those individuals who held a Class A operator license prior to 1951.<sup>16</sup> Mr. Duran requests that we reconsider the Commission's 1951 decision to convert Class A licensees to the Advanced Class operator license.<sup>17</sup> He requests that we upgrade the license of individuals who held a Class A operator license prior to 1951 to an Amateur Extra Class operator license so they may maintain their previously earned top amateur license status.<sup>18</sup>

6. We note, as an initial matter, that to upgrade from an Advanced Class operator license to an Amateur Extra Class operator license, an individual needs only to pass (by answering correctly at least thirty-seven of fifty questions) a written examination concerning the duties of an Amateur Extra Class operator license.<sup>19</sup> This is not an unreasonable requirement given that a person who passes the examination is authorized, among other things, to use an additional 175 kHz of spectrum. Nor do we believe it unreasonable to require a licensee who may have last tested in 1951 or earlier to pass the current applicable written examination element. In this regard, we note that technology, amateur service rules, and operating practices, among other things, have changed substantially since 1951. Finally, we also note that the Commission's decision was influenced by the request of other commenters in this proceeding that current licensees not receive additional privileges without passing the required examination elements.<sup>20</sup> The petitioner presents no new information or reason to change our decision. Accordingly, we will deny the Duran Petition.

#### **B. Maintenance of a Technician Plus Class operator licensee database**

7. In the *Report and Order*, the Commission reduced the number of operator licenses from six classes of operator license to three.<sup>21</sup> With regard to the Technician Plus Class and Technician Class operator licenses, the Commission found that there was no need to maintain a separate classification of Technician Plus Class licensees in the amateur service database because Technician Plus Class licensees

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.* After adoption of the *1951 License Structure Decision*, the amateur service operator license classes, in ascending order of frequency privileges, were Novice, Technician, Conditional or General, Advanced, and Amateur Extra Class

<sup>15</sup> *Id.*

<sup>16</sup> *Report and Order*, 15 FCC Rcd at 323 ¶ 15.

<sup>17</sup> Duran Petition at 1.

<sup>18</sup> *Id.* at 2; *see also* Comments of Larry Walsh at 1.

<sup>19</sup> 47 C.F.R. §§ 97.501, 97.503(b)(3).

<sup>20</sup> *Report and Order*, 15 FCC Rcd at 323 n.55.

<sup>21</sup> *Id.* at 327 ¶ 21.

personally hold documentation<sup>22</sup> that they have passed a five words per minute (wpm) telegraphy examination.<sup>23</sup> Therefore, it adopted its proposal to renew a Technician Plus Class operator license as a Technician Class operator license.<sup>24</sup>

8. The Qualls, ARRL, and WAD II petitions request we reconsider the decision not to maintain a database of Technician Class operator licensees who have passed a five wpm telegraphy examination.<sup>25</sup> They state that combining Technician Class licensees who have not passed a five wpm telegraphy examination with those that have will increase enforcement problems for the Commission.<sup>26</sup> ARRL states that the database of Technician Plus Class licensees available through our Universal Licensing System (ULS) is the only means available to an amateur radio operator to determine if a station licensed to a Technician Class operator heard operating on the 10 meter amateur service band is authorized to use that band.<sup>27</sup> It suggests that we use a separate field in the database, which it says already is in existence and operational, that uses a “P” code for Technician Plus Class operators and a “T” code for Technician Class operators.<sup>28</sup>

9. Subsequent to the release of the *Report and Order*, the software used in the ULS was modified so that ULS will show a “P” (for Plus) in the field designated for a licensee’s former class of license when a Technician Plus Class license is renewed. This capability results in the amateur service database being able to provide a *de facto* Technician Plus licensee database. We believe that these changes satisfy both the desire of the majority of commenters in this proceeding for a three-class license structure and the request of the petitioners that they be able to distinguish between Technician and Technician Plus Class licensees. Because these database changes afford the relief sought by ARRL, we grant its request. We will not, however, grant the request of Qualls and WAD II that we add a fourth class of amateur radio operator license, a Technician Plus Class license, to the amateur service database.

### C. Telegraphy examination requirements

10. In the *Report and Order*, the Commission concluded that the public interest would best be served by reducing the telegraphy examination requirement to the minimum requirement that satisfies the *Radio Regulations* and that has been accepted as proving that the control operator of a station can ensure the proper operation of that station.<sup>29</sup> Accordingly, it reduced the number of telegraphy

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<sup>22</sup> This documentation is usually either a Technician Class license issued before February 14, 1991, a Certificate of Successful Completion of Examination showing credit for telegraphy examination Element 1(A), or a Technician Plus Class operator license issued by the Commission. Additionally, the Commission’s amateur service licensing records from 1946 to the present are available. These records show a licensee’s class of operator license.

<sup>23</sup> *Report and Order*, 15 FCC Rcd at 326 ¶ 20.

<sup>24</sup> *Id.*

<sup>25</sup> Qualls Petition at 1; ARRL Petition at 3-5; WAD II Petition at 19-20.

<sup>26</sup> Qualls Petition at 1; WAD II Petition at 20.

<sup>27</sup> ARRL Petition at 3-5.

<sup>28</sup> *Id.* at 3.

<sup>29</sup> *Report and Order*, 15 FCC Rcd at 329 ¶ 25

examination elements from three to one—specifically, a five wpm telegraphy examination.<sup>30</sup> In reaching this decision, it noted that one of the fundamental purposes underlying our Part 97 rules is to accommodate the amateur radio operator's proven ability to contribute to the advancement of the radio art.<sup>31</sup> The Commission found that an individual's increased Morse code proficiency is not necessarily indicative of that individual's ability to contribute to the advancement of the radio art, and concluded that such a license qualification rule did not further the purpose of the amateur service or continue to serve a regulatory purpose.<sup>32</sup> Both Mr. Qualls and WAD II object to our elimination of telegraphy examination elements above five wpm.

11. Mr. Qualls requests we reconsider the conclusion that the public interest will best be served by reducing the telegraphy examination requirement to the minimum requirement that meets the *Radio Regulations*.<sup>33</sup> He points out that other countries have other telegraphy speed requirements in their domestic licensing regulations.<sup>34</sup> He also states that some amateur radio operating activities are almost exclusively done using moderately high to high speed Morse code.<sup>35</sup> We are not persuaded, however, that this decision is out of line with the requirements of other countries, assuming, *arguendo*, that the requirements of other countries have any relevance to the reasonableness of the Commission's license qualification requirements. In this regard, we note that subsequent to the adoption of the *Report and Order*, many other countries have reduced or are considering reducing their telegraphy examination requirements to five wpm, while looking toward eventual elimination of a mandatory telegraphy licensing requirement altogether.<sup>36</sup> We conclude, therefore, that Mr. Quall's concern regarding our licensing requirements *vis a vis* those of other countries does not present a reason for reconsideration of this decision. With regard to his claim that some amateur radio operating activities require the use of moderately high to high speed Morse code, we note that the Commission concluded in the *Report and Order* that the issue of an individual's operating preferences was not germane to this proceeding.<sup>37</sup>

12. WAD II requests that we reinstate the requirement that an individual pass a twenty wpm

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<sup>30</sup> *Id.*

<sup>31</sup> *See* 47 C.F.R. § 97.1.

<sup>32</sup> *Report and Order*, 15 FCC Rcd at 329 ¶ 25

<sup>33</sup> Qualls Petition at 1.

<sup>34</sup> *Id.* at 2.

<sup>35</sup> Qualls Petition at 1-2.

<sup>36</sup> *See, e.g., QST*, November 2000, at 87. *See also* <http://www.wiavic.org.au/> Morse Code Watch. Australia, Denmark, Israel, Sweden, United Kingdom, South Africa and Gibraltar, among other countries, have adopted 5 wpm as their telegraphy examination element. Other countries, including New Zealand, Singapore, India, Malaysia, Pakistan, Papua New Guinea, Kenya, and countries in Europe are in various stages of seeking to lower their telegraphy examination requirement to 5 wpm. *See* <http://www.arrl.org/news/stories/2001/01/24/4/?nc=1>. We also note that the Conference of Postal and Telecommunications Administrations--CEPT--has effectively lowered the Amateur Radio Morse code test speed to 5 WPM for all European countries. *See* <http://www.arrl.org/news/stories/2001/03/21/1/?nc=1>.

<sup>37</sup> *Report and Order*, 15 FCC Rcd at 333 ¶ 30.

telegraphy examination requirement for the Amateur Extra Class operator license.<sup>38</sup> It states that twenty wpm “is only a barrier to unmotivated individuals”<sup>39</sup> and that a five wpm telegraphy examination requirement to qualify for a General Class operator license is adequate as a reasonable accommodation to give disabled individuals.<sup>40</sup> As noted above, the Commission eliminated the twenty wpm Morse code proficiency examination as a federally mandated licensing requirement because it was not in furtherance of the purpose of the amateur service and it did not continue to serve a regulatory purpose.<sup>41</sup> WAD II has not shown that the Commission’s conclusions were in error. Further, we note that since the *Report and Order* was released, there does not appear to be any decline in the proper operation of amateur stations.<sup>42</sup>

#### D. Telegraphy examination element credit

13. In the *Report and Order*, the Commission amended Section 97.505 of our Rules<sup>43</sup> to provide that Novice Class<sup>44</sup> licensees who upgraded to the Technician Class license would not lose examination credit for the telegraphy examination they had passed when they qualified for their Novice Class license.<sup>45</sup> Without the revision to Section 97.505, a Novice Class operator who advanced to the Technician Class but did not qualify for a General or Amateur Extra Class operator license would lose credit for the five wpm telegraphy exam after the expiration date (plus two years) shown on the Novice license because the Technician Class operator license does not specify a telegraphy examination element. As a result, a Novice Class licensee who advanced to the Technician Class, but sought no higher level of license before the expiration of the grace period, would have to pass another five wpm telegraphy examination to upgrade to the General or Amateur Extra Class operator license.

14. The ARRL requests that we standardize examination element credit to provide that any person who provides proof of having passed at one time an FCC-recognized five wpm telegraphy examination should receive credit for the Element 1 telegraphy examination.<sup>46</sup> It states that lack of examination credit for former licensees who did not hold either a Novice or Technician Class operator license was a problem under the old rules, which is continued in the current rule.<sup>47</sup> It also states the present rule still discriminates between those who hold expired and non-renewable Novice and Technician Class operator licenses and those who hold expired and non-renewable General, Advanced, or Amateur

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<sup>38</sup> WAD II Petition at 14-19.

<sup>39</sup> *Id.* at 14.

<sup>40</sup> *Id.* at 19.

<sup>41</sup> *Report and Order*, 15 FCC Rcd at 329 ¶ 25.

<sup>42</sup> See *QST*, August 2000, at 24; *QST*, September 2000, at 73.

<sup>43</sup> 47 C.F.R. § 97.505.

<sup>44</sup> A Novice Class licensee has passed at least a five wpm telegraphy examination and a written examination covering the privileges this license class authorizes.

<sup>45</sup> *Report and Order*, 15 FCC Rcd at 345 ¶ 52.

<sup>46</sup> *Id.* at 9-10.

<sup>47</sup> *Id.* at 7-8.

Extra Class operator licenses.<sup>48</sup> Mr. Matzinger agrees we should reconsider the amendment to Section 97.505.<sup>49</sup> He requests, however, that we extend to Technician Class licensees who hold a Certificate of Successful Completion of Examination document for former written examination Element 3B, regardless of when it was issued, examination credit for the current written examination Element 3, thereby allowing these Technician Class licensees to upgrade to a General Class operator license without passing the current Element 3 written examination.<sup>50</sup>

15. The ARRL's request amounts to a lifetime credit for any person who has passed an FCC-recognized five wpm telegraphy examination. As an initial matter, we note that the issue of lifetime examination credit for persons whose licenses have lapsed was considered in WT Docket No. 95-57.<sup>51</sup> In that proceeding, the Commission proposed to authorize Volunteer Examiners (VEs) to give examination element credit for any examination that the examinee previously passed.<sup>52</sup> The comments in that proceeding opposed the proposal, however, and it was not adopted.<sup>53</sup> Rather, the Commission stated that persons who allow their amateur operator license to expire (and go beyond the grace period for renewal) will have to pass the requisite examinations if they later decide to obtain another amateur operator license.<sup>54</sup> Also, the Commission stated that attending an examination session was not a hardship because the VEs provided abundant examination opportunities.<sup>55</sup> The ARRL has not shown that attending an examination session is a hardship for former licensees or that examination opportunities are not available. We conclude, therefore, that there is no basis to reconsider the decision reached in this proceeding. For the same reasons, we also conclude that there is no basis to grant Mr. Matzinger's request that we extend examination credit for former written examination Element 3B to the lifetime of a person.

16. With regard to Section 97.505, we note that the rule was revised because an examinee who was a Novice Class licensee and who upgraded to a Technician Class operator license after April 15, 2000, has passed the same telegraphy examination element as an examinee who held a Technician Class operator license issued before February 14, 1991, *i.e.*, both examinees have passed at least a five wpm telegraphy examination,<sup>56</sup> and therefore, both examinees should receive the same telegraphy examination

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<sup>48</sup> *Id.* at 9.

<sup>49</sup> Comments of Guy A. Matzinger dated December 5, 2000, at 1; May 25, 2000 at 1; February 16, 2000, at 1; and February 4, 2000, at 1.

<sup>50</sup> *Id.*

<sup>51</sup> See Amendments to the Amateur Service Rules Including Amendments for Examination Credit, Eligibility for a Club Station License, Recognition of the Volunteer Examiner Session Manager, a Special Event Call Sign System, and a Self-Assigned Indicator in the Station Identification, *Report and Order*, WT Docket No. 95-57, 12 FCC Rcd 3804 (1997).

<sup>52</sup> *Id.* at 3810 ¶ 17.

<sup>53</sup> *Id.* at 3811 ¶ 19.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> See 47 C.F.R. § 97.505(a)(9). We also note that examinees who held Technician Class operator license issued before February 14, 1991, are eligible to receive credit for the five wpm telegraphy examination, whether or not they hold a current FCC-issued amateur service license.



credit.<sup>57</sup> Most examinees who hold a non-renewable General, Advanced, or Amateur Extra Class operator license also are eligible for telegraphy examination credit based on previous licensure.<sup>58</sup> In this regard, we note the rules provide that if these examinees ever held a Novice Class operator license, or a Technician Class operator licenses prior to February 14, 1991, they would receive, at a minimum, credit for the five wpm telegraphy examination.<sup>59</sup>

17. We disagree with ARRL's claim that this rule discriminates between examinees who hold expired and non-renewable Novice and Technician Class operator licenses and examinees who hold expired and non-renewable General, Advanced, or Amateur Extra Class operator licenses. An examinee who holds an expired and non-renewable Novice Class operator license, or an expired Technician Class operator license, may also hold a current Technician Class operator license and therefore, must be given examination element credit for examination elements passed for the license(s) held. An examinee who has only a non-renewable General, Advanced, or Amateur Extra Class operator license is not a licensee and, therefore, will have to pass or receive credit for the requisite examinations if he or she later decides to obtain another amateur operator license.

18. WAD II also objects to the decision to extend examination credit to licensees whose licenses expired as long as forty years ago.<sup>60</sup> It does not believe we should extend examination credit to individuals who hold Novice Class operator licenses that have expired and gone beyond the grace period for renewal.<sup>61</sup> As we noted above, however, the Commission revised the rule to provide telegraphy examination credit for expired Novice Class operator licenses so that a Technician Class licensee who previously held a Novice Class operator license, when applying for a higher class operator license, would not have to pass again the five wpm telegraphy examination he or she passed to obtain the Novice Class license. We also note that this proceeding did not propose to change the policy or implementing rules that allow an individual who has qualified for a particular class of operator license to receive examination credit for the examination elements required for that class of operator license. In this regard, we note that pre-1987 Technician and General Class licensees, under the current and former rules, continue to receive examination credit for the General Class written examination element, regardless of how long ago this examination element was passed. Similarly, under the current and former rules, Advanced Class licensees receive examination credit for the Technician and General Class written examination elements, and the telegraphy examination element, even if the licensee qualified for this license over forty years ago and/or has not used telegraphy in decades.

#### **E. Number of questions on written examinations**

19. In the *Report and Order*, the Commission revised the number of written examination elements in the amateur service license examination structure to better correlate with the number of license

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<sup>57</sup> *Report and Order*, 15 FCC Rcd at 345 ¶ 52.

<sup>58</sup> See 47 C.F.R. § 97.505(a)(5), (9).

<sup>59</sup> *Id.*

<sup>60</sup> WAD II at 20-21.

<sup>61</sup> *Id.* Individuals who hold Novice Class operator licenses that have expired and gone beyond the grace period for renewal can receive examination credit only for the telegraphy examination element.

classes, and revised the number of questions on each written examination element.<sup>62</sup> Specifically, it required that the Technician Class and General Class written examination elements consist of thirty-five questions each, and that the Amateur Extra Class written examination element consist of fifty technically oriented questions, including questions about administering amateur radio operator license examinations.<sup>63</sup>

20. WAD II requests that we increase to fifty from thirty-five the number of questions for the written examination elements required to qualify for the Technician and General Class operator licenses, and to one hundred from fifty the number of questions for the Amateur Extra Class written examination element.<sup>64</sup> It states that the revision has reduced the proportion of technical questions on the written examination elements and reduced the cumulative number of questions needed for an applicant to obtain each license class.<sup>65</sup>

21. As an initial matter, we note that the 50-50-100 combination of questions WAD II requests was considered in the *Report and Order*.<sup>66</sup> The Commission did not adopt this combination of questions for the written examination elements but rather adopted the number of questions on each examination element that was suggested by the ARRL and the National Conference of Volunteer Examiner Coordinators (NCVECs).<sup>67</sup> With regard to WAD II's concern that the decision reduced the cumulative number of questions needed for an applicant to obtain each license class, we do not believe that the cumulative number of questions an applicant must answer correctly to obtain each license class is a particularly relevant measure of whether an applicant is qualified to be an amateur service licensee. The Commission noted that the difficulty of an examination is determined by specific questions that appear on that examination, rather than simply the topics the examination covers.<sup>68</sup> We believe the same standard is applicable to the number of questions on the examination element—a greater number of questions does not in and of itself result in an examination that is more valid or meaningful. We also note that WAD II has not shown that the written examination elements are not serving their purpose, *i.e.*, that they are not testing an applicant's knowledge concerning the duties and privileges of a particular class of operator license. With regard to WAD II's concern about the material covered on the examinations, we noted in the *Report and Order* that the Question Pool Committee of the NCVECs has a better ability than we do to insure that the question pools reflect current technology.<sup>69</sup> We believe that WAD II should address concerns about written examination element issues to the Question Pool Committee of the NCVEC.

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<sup>62</sup> *Report and Order*, 15 FCC Rcd at 339 ¶ 42-43.

<sup>63</sup> *Id.* at 339 ¶ 42.

<sup>64</sup> WAD II Petition at 12-13.

<sup>65</sup> *Id.* at 12.

<sup>66</sup> *Report and Order*, 15 FCC Rcd at 342 ¶ 47 n.189.

<sup>67</sup> *Id.* at 343 n.196.

<sup>68</sup> *Id.* at 339 n.168.

<sup>69</sup> *Id.* at 339 ¶ 42.

## F. Repeating failed examination elements

22. Section 97.509 of our rules contains administering VE requirements.<sup>70</sup> These requirements are standards suggested by the amateur service community that balance the needs of VEs and examinees, and that ensure the integrity of the examination system. They are not intended to limit unreasonably the flexibility of VEs to accommodate examinees and therefore, do not specifically address many situations that occur in the administration of license examinations, such as whether administering VEs may allow an examinee an opportunity to re-take a failed examination element at the same examination session. To our knowledge, the VEs accommodate examinees to the extent possible. Our understanding is that if a second version of the examination is available and the VEs have time to allow an examinee to take the second examination, generally they will allow an examinee a second chance to pass the examination. WAD II requests that we prohibit examinees from repeating failed examination elements at one examination session.<sup>71</sup>

23. Generally, matters concerning the mechanics of examination administration reside with the administering VEs. We believe that decisions as to whether to allow an examinee a “second chance” at the same examination session are well within the discretion of the VEs. In this regard, we note that the volunteer examiner examination system has existed since 1984 and was designed to provide the maximum flexibility to meet the needs of VEs and examinees.<sup>72</sup> As such, WAD II’s request is inconsistent with the purpose of the VE system. Moreover, we do not agree with WAD II that we should impose standards of examination administration used by schools or certifying boards on administering VEs,<sup>73</sup> because amateur service licenses are used primarily for avocation or personal purposes rather than as measures of professional or educational competency. As such, WAD II has provided no reason to prohibit administering VEs who are willing to allow examinees to repeat failed examination elements at one examination session from doing so. We also note that the determination of what constitutes a “session” is made by the administering VEs.<sup>74</sup> Therefore, we will deny WAD II’s request.

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<sup>70</sup> 47 C.F.R. § 97.509.

<sup>71</sup> WAD II at 13-14.

<sup>72</sup> See Use of Volunteers to Prepare and Administer Operator Examinations in the Amateur Radio Service, *Report and Order*, PR Docket No. 83-27, 54 Rad. Reg. (P&F) 2d 1068 (1983); *Memorandum Opinion and Order*, 49 Fed. Reg. 30313 (1984); see also Permitting Volunteer-Examiner Coordinators to Maintain Pools of Questions for Amateur Operator Examinations, *Report and Order*, PR Docket No. 85-196, 51 Fed. Reg. 30645 (1986); *Memorandum Opinion and Order*, 2 FCC Rcd 2815 (1987).

<sup>73</sup> See WAD II Petition at 13-14.

<sup>74</sup> An examinee who fails an examination in a morning session could, for example, re-take the examination at an afternoon session if the administering VEs have decided morning and afternoon examination opportunities are different “sessions.” If the administering VEs decide to treat the day as one session, however, under WAD II’s request, if granted, an examinee would be prohibited by Commission rule from re-taking the examination even if the VEs were willing to re-administer it. Because the Commission does not administer the examinations, however, it has no regulatory interest in requiring that an individual wait any particular time before re-taking an examination.

**G. Petitions for Rulemaking from Kippa-Hill (RM-9867), Speroni (RM-10018), and QCWA**

24. The *Report and Order* considered whether simplification of the license structure should be undertaken as part of a comprehensive restructuring of the licensing process and operating privileges, and concluded that simplification of the license structure was independent of such a restructuring.<sup>75</sup> The Commission determined that the amateur service community should have an opportunity to discuss and possibly reach a consensus regarding implementation of new technologies before restructuring of the amateur service operating privileges and frequencies.<sup>76</sup>

25. On March 16, 2000, Dennis Kippa and David J. Hill filed a petition for rulemaking, RM-9867,<sup>77</sup> that seeks to reduce the frequency segments within the amateur service frequency bands that can be used by amateur stations to transmit CW emissions.<sup>78</sup> The petition states that because CW communications are archaic and have been abandoned by all Federal agencies except the amateur service, the Commission can no longer justify the broad reservation of the radio spectrum for CW only.<sup>79</sup> On November 17, 2000, Joseph Speroni filed a petition for rulemaking, RM-10018.<sup>80</sup> The petition seeks to increase the frequency privileges available to Novice Class licensees and Technician Plus Class licensees.<sup>81</sup> The petition states that because the Novice Class operator license has been discontinued, frequency segments available to Novice Class licensees are less utilized and, therefore, these licensees have less opportunity to practice and develop their Morse code skills.<sup>82</sup>

26. As an initial matter, we note that both the Kippa-Hill Petition and the Speroni Petition are repetitive of the ARRL's request that we restructure operating privileges.<sup>83</sup> We have received no indication that the ongoing discussions concerning implementation of new and more modern communications technologies within the amateur service community have been completed, or that any consensus regarding implementation of new technologies emerged. Rather, the process appears to be continuing.

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<sup>75</sup> *Report and Order*, 15 FCC Rcd at 325 ¶ 17.

<sup>76</sup> *Id.*

<sup>77</sup> *See* Kippa-Hill Petition. The petition was placed on Public Notice May 2, 2000. *See* Report No. 2408. No comments supporting or opposing the petition were received.

<sup>78</sup> CW is a common term used by amateur radio operators to denote a Morse code telegraphy transmission. It is an abbreviation for "continuous wave," the wave form of the transmission that is turned on and off by the keying device to form the dots and dashes that, in combination, form letters, numbers, and symbols in the Morse code alphabet. *See* 47 C.F.R. § 97.3(c)(1).

<sup>79</sup> Kippa-Hill Petition at 1. We note that the amateur service is not a Federal agency.

<sup>80</sup> *See* Speroni Petition. The petition was placed on Public Notice December 8, 2000. *See* Report No. 2456.

<sup>81</sup> *Id.* at 1.

<sup>82</sup> *Id.* at 1.

<sup>83</sup> *See Report and Order*, 15 FCC Rcd at 325 ¶ 17.

27. We also note that, contrary to the apparent preception of Kippa-Hill<sup>84</sup> and Speroni,<sup>85</sup> the amateur service rules do not establish any “CW only” or “HF CW” segments of amateur service frequency bands.<sup>86</sup> Rather, CW is the only emission type that may be transmitted on any frequency for which the control operator is authorized.<sup>87</sup> We conclude, therefore, that the premise of these petitions is faulty and does not provide a basis to change our rules. For this reason, we will deny them. Additionally, we believe that we should allow the amateur service community to reach a consensus regarding a comprehensive restructuring of operating privileges for all licensees before we expend our resources in a proceeding addressing this matter.

28. In addition, a petition for rulemaking has been filed by the Quarter Century Wireless Association (QCWA).<sup>88</sup> It requests that we amend our rules to require that VEs give examination credit for written examination Element 4 to an examinee who can show he or she held a Conditional, General or Advanced Class operator license before November 22, 1968.<sup>89</sup> The petition states that on this date, amateur radio operators holding these classes of operator licenses lost significant frequency privileges as a result of the Commission’s *Incentive Licensing* decision,<sup>90</sup> and that no useful purpose is served by continuing to deny the privileges withdrawn from these operators.<sup>91</sup> It also states that today there are, at most, a few thousand licensees still affected by this decision, which they perceive was unjust.<sup>92</sup> The effect of QCWA’s request, if granted, would be to allow only individuals who held a Conditional, General or Advanced Class operator license before November 22, 1968, and who have not upgraded to the Amateur Extra Class operator license, to upgrade to this license without passing the required written examination.

29. As noted above, to upgrade from an Advanced Class or a General Class operator license to an Amateur Extra Class operator license an individual must answer correctly only thirty-seven questions on a fifty question written examination that tests an examinee’s knowledge of the duties of an Amateur Extra Class operator. We do not believe that passing a written examination element is an unreasonable requirement given that a person who passes the examination is authorized to use significant additional spectrum.<sup>93</sup> We also note that other commenters in this proceeding expressed the view that current licensees should not receive additional privileges without passing the required examination

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<sup>84</sup> Kippa-Hill Petition at 1.

<sup>85</sup> Speroni Petition at 1.

<sup>86</sup> See 47 C.F.R. § 97.305(c).

<sup>87</sup> See 47 C.F.R. § 97.305(a). We note that under the rules, Kippa-Hill’s claim that there is a “broad reservation of the radio spectrum” for different emission types applies to all emission types except CW.

<sup>88</sup> See QCWA Petition.

<sup>89</sup> *Id.* at 2.

<sup>90</sup> See Amendment of the Amateur Service Rules to Provide for Incentive Licensing and Distinctive Call Signs, *Report and Order*, Docket No. 15928, 9 FCC 2d 814 (1968).

<sup>91</sup> QCWA Petition at 2.

<sup>92</sup> *Id.* at 3.

<sup>93</sup> See para. 7, *supra*.

elements<sup>94</sup> and that use of authorized operating privileges, even for an extended time, has never been a basis for granting examination credit. In this regard, we see no reason to accord individuals who held a Conditional, General or Advanced Class operator license before November 22, 1968, element credit preferences different than those available to individuals who held these licenses at other dates. Accordingly, we are not persuaded that the petition presents any new facts that warrant requiring VEs to give examination credit to these licensees, and we will dismiss the QCWA Petition.

#### H. Other matters

30. Two petitions have been filed by Stewart Teaze. One petition requests that we revise the amateur service license structure to include a new Communicator Class operator license to further encourage more young individuals to enter the amateur service.<sup>95</sup> The second petition is styled as a proposal to institute an introductory-level Communicator license class in the amateur service.<sup>96</sup> It reiterates the request in the first petition. In that both petitions request amendment of the amateur service license structure, we will treat both petitions as petitions for reconsideration of our decision in this proceeding. Because these petitions were filed later than thirty days after the date of public notice of the Commission's action,<sup>97</sup> we dismiss them as untimely. We note, moreover, that Mr. Teaze's request appears to be moot in light of the recently announced project to encourage more young individuals to enter the amateur service.<sup>98</sup> While we applaud the amateur service community's commitment to involve more young people in amateur radio, we also do not believe this goal is advanced by adding additional license classes to the amateur service license structure. Rather, we believe a streamlined and simplified license structure in which operating privileges are related to examination requirements will encourage individuals to join the amateur service.

31. On February 7, 2000, Eric R. Wolfe filed a petition for rulemaking, RM-9831,<sup>99</sup> that seeks to repeal the current system of call sign districts and designators used in the sequential call sign system.<sup>100</sup> In place of the current district designators,<sup>101</sup> Wolfe proposed that we issue all future amateur

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<sup>94</sup> *Report and Order*, 15 FCC Rcd at 324 n.55 (citing comments of NCVECs, William H. Cottrill, Don Murano, and David L. Heller).

<sup>95</sup> Teaze petition filed March 17, 2000 at 1.

<sup>96</sup> Teaze petition filed March 20, 2000.

<sup>97</sup> *See supra* note 2.

<sup>98</sup> *See QST* February, 2000 p. 90. The ARRL Amateur Radio Education Project is an ARRL-sponsored initiative to provide a turnkey amateur radio curriculum at the middle school level to attract young people into amateur radio.

<sup>99</sup> *See* Eric R. Wolfe (Wolfe) Petition. The petition was placed on Public Notice March 9, 2000. No comments supporting or opposing the petition were received.

<sup>100</sup> Wolfe Petition at 1.

<sup>101</sup> A district designator is a number (0-9) or a letter and number combination that is from an alphabetized regional-group list for the licensee's operator class and mailing address. Each call sign has a one letter prefix (K, N, W) or a two letter prefix (AA-AL, KA-KZ, NA-NZ, WA-WZ) and a one, two, or three letter suffix separated by a numeral (0-9) indicating the geographic region. Certain combinations of letters are not used. *See* <http://www.fcc.gov/wtb/amateur/amatur.html> for an explanation of the sequential call sign system.

radio licenses in a sequential numbering system of zero to nine without regard to the location of the licensee's primary physical residential address for station location.<sup>102</sup> We will deny this petition because changing the sequential call sign system as the petition requests would result in our expending considerable resources modifying the amateur service sequential call sign system without any clear regulatory purpose being served. Additionally, we note that the present system is well understood by the amateur service community and there does not appear to be any regulatory or operating advantage to changing the sequential call sign system to assign call signs as Mr. Wolfe suggests. In this regard, we note that after the initial assignment of a call sign, a licensee who prefers another call sign can request a call sign of his or her choice using the vanity call sign system, thereby negating the standards incorporated in the sequential call sign system. Therefore, we will deny the petition.

32. We are making editorial amendments to certain rule sections to conform them with the Commission's decisions in the *Report and Order*. We consider these revisions to be non-substantive in nature. Specifically, we are amending Section 97.119 of our Rules<sup>103</sup> to eliminate the indicator AA in the station identification procedure and Section 97.3<sup>104</sup> to correct spelling and conform a definition with the rule in which it is used. This indicator is now unnecessary because we are not issuing any new Advanced Class operator licenses.<sup>105</sup> In addition, we are revising certain Part 13 rules so that the elimination of the twenty wpm telegraphy examination element from the amateur service license examination system does not inadvertently result in a reduction in telegraphy examination requirements for commercial radiotelegraph licenses.<sup>106</sup>

33. We also are amending Section 97.527 of our Rules<sup>107</sup> to conform it with Section 403 of the Telecommunications Act of 1996.<sup>108</sup> Specifically, Section 403(a)(4)-(5) deleted the reference to the total amount of allowable cost reimbursement per examinee. The statute now reads:

With respect to the acceptance of voluntary uncompensated services for the preparation, processing, or administration of examinations for amateur station operator

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<sup>102</sup> Wolfe Petition at 1.

<sup>103</sup> 47 C.F.R. § 97.119.

<sup>104</sup> 47 C.F.R. § 97.3.

<sup>105</sup> *Report and Order*, 15 FCC Rcd at 323 ¶ 14.

<sup>106</sup> Specifically, we are amending 47 C.F.R. §§ 13.9(d), 13.13(d), to grant credit for commercial telegraph examination elements only to holders of Amateur Extra Class operator licenses that were granted prior to April 15, 2000. Examination credit is granted these licensees because they have passed a telegraphy examination that is equivalent to the telegraphy examination required for certain commercial radiotelegraph operator licenses. Absent this amendment, an individual who holds an Amateur Extra Class operator license by virtue of passing a 5 wpm telegraphy examination could inadvertently receive credit for the 16 and 20 wpm commercial telegraph examination elements.

<sup>107</sup> See 47 C.F.R. § 97.527.

<sup>108</sup> Public Law 104-104, § 403 (1996). Before 1996, 47 U.S.C. § 154(f)(4)(J) provided that VEs and VECs, "may recover from examinees reimbursement for out-of-pocket costs. The total amount of allowable cost reimbursement per examinee shall not exceed \$4, adjusted annually every January 1 for changes in the Department of Labor Consumer Price Index."

licenses pursuant to subparagraph (A) of this paragraph, individuals, or organizations which provide or coordinate such authorized volunteer services may recover from examinees reimbursement for out-of-pocket costs.<sup>109</sup>

As amended, this section removed the dollar limitation on the total amount of allowable cost reimbursement that could be recovered from an examinee. VEs and VECs may now be reimbursed in full for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating an examination for an amateur operator license.

#### IV. PROCEDURAL MATTERS

##### A. Final Regulatory Flexibility Act Certification

34. The Regulatory Flexibility Act (RFA)<sup>110</sup> requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”<sup>111</sup> Because small business entities, as defined in Section 601(3) of the RFA,<sup>112</sup> are not eligible to make an application for an amateur service license or be a licensee in the amateur service, we certify that there will not be a significant economic impact on a substantial number of small entities if the proposed rule amendments are promulgated. The Commission shall send a copy of this *Memorandum Opinion and Order*, including this final certification in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>113</sup> In addition, the *Memorandum Opinion and Order* and this final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the Federal Register.<sup>114</sup>

##### B. Paperwork Reduction Act Analysis

35. This *Memorandum Opinion and Order* contains neither a proposed nor modified information collection. As part of our continuing effort to reduce paperwork burdens, however, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on information collections burdens, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. In addition to filing comments with the Secretary, a copy of any comments on the information collections should be submitted to Judy Boley, Federal Communications Commission, 445 Twelfth St., S.W., Room 1-C804, Washington, D.C. 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov), and to Edward C. Springer, OMB Desk Officer, 10236 New Executive Office Building, 725 Seventeenth Street, N. W., Washington, D.C. 20503, or via the Internet to [edward.springer@omb.eop.gov](mailto:edward.springer@omb.eop.gov).

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<sup>109</sup> 47 U.S.C. § 154(f)(4)(I)

<sup>110</sup> See 5 U.S.C. § 601 *et seq.*

<sup>111</sup> 5 U.S.C. § 605(b).

<sup>112</sup> 5 U.S.C. § 601(3).

<sup>113</sup> 5 U.S.C. § 801(a)(1)(A).

<sup>114</sup> 5 U.S.C. § 605(b).



**C. Ordering Clauses**

36. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for partial reconsideration filed by the American Radio Relay League, Inc., on March 13, 2000, IS GRANTED IN PART and DENIED IN PART as indicated herein.

37. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petitions for partial reconsideration filed by Alan J. Wormser, Frederick V. Adsit, and Michael J. Dinelli on January 19, 2000, and February 29, 2000, ARE GRANTED IN PART and DENIED IN PART as indicated herein.

38. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for partial reconsideration filed by Millard H. Qualls on February 28, 2000, IS GRANTED IN PART and DENIED IN PART as indicated herein.

39. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for partial reconsideration filed by Fred A. Duran, Jr., on February 14, 2000, IS DENIED.

40. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition filed by Stewart Teaze on March 17, 2000, IS DISMISSED.

41. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition filed by Stewart Teaze on March 20, 2000, IS DISMISSED.

42. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for rule making, RM-9867, filed by Dennis Kippa and David J. Hill on March 16, 2000, IS DENIED.

43. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for rule making filed by the Quarter Century Wireless Association on October 22, 2000, IS DISMISSED.

44. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for rule making, RM-10018, filed by Joseph Speroni on November 17, 2000, IS DENIED.

45. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 4(i)

and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, the petition for rule making, RM-9831, filed by Eric R. Wolfe on February 7, 2000, IS DENIED.

46. IT IS FURTHER ORDERED that effective July 1, 2001, pursuant to Sections 4(i) and (j), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), 303(r), and 403, Parts 13 and 97 of the Commission's Rules, 47 C.F.R. Parts 13 and 97, ARE AMENDED as set forth in Appendix B.

47. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *Memorandum Opinion and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

48. IT IS FURTHER ORDERED that the proceeding WT Docket No. 98-143 IS HEREBY TERMINATED.

49. For further information on this matter contact the Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233.

50. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or via e-mail to [mcontee@fcc.gov](mailto:mcontee@fcc.gov). This *Memorandum Opinion and Order* can be downloaded at <http://www.fcc.gov/Bureaus/Wireless/Orders/2001/index.html>.

**FEDERAL COMMUNICATIONS COMMISSION**

Magalie Roman Salas  
Secretary

## APPENDIX A

## Comments

KEN ALAN, K6PSI  
 ROY W. ANDERSON, W1CRD  
 JACK BECKMAN  
 JAMES BROMLEY  
 RICHARD CARTER  
 ROBERT CASEY, WA2ISE #1  
 ROBERT CASEY #2  
 COLLIN DVORAK  
 JERRY L. FARRAR, KB5OAI  
 LAWRENCE HAGEMAN, WA9ZPQ  
 TRACY HOOKER, KA5ECS  
 FREDERICK M. SPINNER, W0FMS  
 JAMES B. STALZER, KBØMD  
 CARL R. STEVENSON, WA6VSE  
 ARTHUR TATE  
 ARTHUR TATE #2  
 RAYMOND YAKESH  
 BRAD ZIEGLER, KC0CDG  
 K4IDD  
 FRED A DURAN, JR., W4NKI  
 LARRY GUMP  
 BOB J. PITTMAN, K5EYE  
 ALAN J. WORMSER  
 FREDERICK V. ADSIT, NY2V #1  
 FREDERICK V. ADSIT #2  
 BILL ALLEN, KC5ADF  
 JOSEPH A. AMES JR., W3JY  
 ROY W. ANDERSON, JR., W1CRD  
 GEORGE ANESTIS, W3ANX  
 JIM APPLE, WB1DOG  
 F.R. ASHLEY, WB4M  
 HAROLD C. BACON  
 RICHARD BALDWIN  
 BARRY, N2RPL  
 RICHARD C. BEERMAN  
 ROBERT A. BERGMUELLER, KG4AQN  
 JIM BORING  
 WAYLAND BRADLEY, K4WS  
 MELVIN G. BRAFFORD  
 GARY A. BRANCH  
 THOMAS P. BRANCH  
 EMMETT E. BROOKS, W5HTW  
 EDWARD A. BROWN  
 HUGH BROWN  
 ERNEST DAVID BUCHANAN  
 MITCHELL P. BURGESS  
 KENNETH S. CANNADAY, W4NZC, and  
 SHELLEY L. PENDLETON, AE4HD  
 BILL CARR, KC5OCZ  
 REV. GEORGE CARR  
 RICHARD S. CARROLL

ROBERT CASEY, WA2ISE #1  
 ROBERT CASEY #2  
 ROBERT CASEY #3  
 JOANNA CIPRIAN, K5SLY  
 LARRY CLARK, K0RS  
 JOHN R. CMIEL, W9EM  
 DANNY J. CONNER, KD5UJ  
 TIMOTHY D. CONROY  
 JAMES COOK  
 JAMES C. COTILLIER  
 JAMES "JAY" CRASWELL, W0VNE  
 MICHAEL CRESTOHL, W1RC  
 JOHN CUNLIFFE, N2NEP  
 JERRY W. DAUGHERTY, W9FS #1  
 JERRY W. DAUGHERTY #2  
 JEFFREY L. DAVIS, N9AVG  
 ALAN DAY, K8AL  
 ERIK S. DEAN, NI6G  
 ROB DEVLIN, KC4GD  
 CHARLES E. DIAL  
 MICHAEL J. DINELLI, N9BOR #1  
 MICHAEL J. DINELLI #2  
 THEODORE E. DRAKE  
 PAT P. DUNCAN, W5RHU  
 BURTON E. EATON  
 PETER ECONOMOS, W9RMB  
 J.B. EDMONDS  
 EDWARD F. EROH, K3VA  
 ROBIN FAULKNER  
 WILLIAM R. FEISSNER  
 ERIC FORSLUND, N8XT  
 STAN GANTZ, W5GZ  
 TIMOTHY M. GARRITY  
 STEPHEN B. GERSTENSCHLAGER, K0EY  
 MICHAEL F. GILMER, N2MG  
 STANLEY C. GILSTRAP  
 ROBERT M. GINKOWSKI, WA6CW  
 HOWARD P. GOULD  
 DONALD B. GREEN  
 FRED G. GUILIANO, NG3J  
 ROGER L. GUTKA, WD8QYF  
 RODNEY L. HARPER, W4SI  
 GEORGE HARTSELL, W4GEO  
 BRITT HAY, NA5S  
 TIMOTHY H. HEATON, WB7NMY  
 RON HEGE  
 ROY CLINTON HERBERT  
 PETER HICKS, N5KD  
 DONALD T. HIGGINS, JR.  
 MACALEE HIME, AB5TY  
 TOMAS HOOD

RON HOOPER  
GEORGE W. JONES  
MICHAEL T. JONES, W4TL #1  
MICHAEL T. JONES #2  
GLENN JORDAN  
RODNEY W. JUNGE, W7MXQ  
DANFORD P. K. KAE0, JR.  
MICHAEL J. KEANE, K1MK  
C. BRIAN KELLY, W3RV  
FRANCIS Y. KELSON, N8HI  
RICK KENNERLY  
DANIEL L. KLEMENT  
PHILIP LAZAR  
LARRY L. LEARN  
DOUG LOUCKS, W7YV  
JOHNNIE LYNES  
MICHAEL J. LYNESS, AF4LQ  
JOSEPH MACK, NA3T  
ARNIE W. MACY, KT4ST #1  
ARNIE W. MACY #2  
VICTOR M. MAGANA, N1VM #1  
VICTOR M. MAGANA #2  
JOE MALLOY, W2RBA  
STEPHEN MANDICH, K6NT, ET AL.  
JILL MANSFIELD  
DANIEL L. METZGER  
MIKE, K7CF  
JOHN B. MITCHELL  
MICHAEL C. MIGLIACCIO, N3HLM  
KEVIN MILHORN, N4KM  
GREGORY A. MORRIS  
ROBERT MURDOCK  
ROBERT NAUMANN  
CRAIG NILSEN, K3CN  
JOSEPH NOECKER, K7FGN  
RAY PALMER  
WILLIAM K. PALOMAKI, KB7WGX  
RONALD C. PEARSON, KA5HZV  
BRUCE PLANTZ  
JOHN A. RODENBARGER, WB9OFG  
MIKE RUDZKI, N8MR #1  
MIKE RUDZKI #2  
JOHN G. SALLEY  
ARNOLD SAMUELS  
TIM SANDERS  
STAN SCHENFELD, N2ONU  
DENNIS SCHNEIDER, N6IDU  
ARTHUR J. SCHULTZ, SR., W2UHI  
LELAND C. SCOTT, KC8LDO  
LEONARD A. SECHRIST  
DANIEL J. SHEPHERD SR., N8IE  
ROBERT L. SHRADER, W6BNB  
ARTHUR G. SILVERS, W6AGS

HERBERT C. SPIERLING, N6BC  
FREDERICK M. SPINNER, W0FMS  
FRED SPINNER, W0FMS  
JOHN J. STARK, KU4BT  
CARL R. STEVENSON, WA6VSE #1  
CARL R. STEVENSON #2  
CARL R. STEVENSON #3  
CARL R. STEVENSON #4  
KENNETH P. STEWART, KF3DC  
BRADLEY STONE  
MARVIN K. SUNDAY  
WALTER R. TALBOTT II, KC2ZA  
ALEX TANNER, W8FAX  
CHARLES F. TIFFT, W6RD  
GREGORY L. THOMPSON, KC7GNM  
JAMES G. THOMPSON, SR.  
JAMES S. TOLBERT, WW3S  
GEORGE TUNCIL, W6AEA  
HERMAN M. TURNER, WK3P  
ROBERT VARONE, W4ETN  
ROD VLACH  
J.L. CLIFFORD WAGONER  
SEAN WARNER  
MIKE WEBER, WA2RZJ  
RICHARD H. WEBER, W9QZ  
VERN A. WEISS  
VERN A. WEISS  
ROGER WENDELL  
JAME E. WHEDBEE, N0ECN  
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## APPENDIX B

Chapter 1 of Title 47 of the Code of Federal Regulations, Parts 13 and 97, are amended as follows:

## Part 13 – Commercial Radio Operators

1. The authority citation for part 13 continues to read as follows:

**AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.**

2. Section 13.9 is amended by revising paragraph (d)(2) to read as follows:

**§ 13.9 Eligibility and application for new license or endorsement.**

\* \* \* \* \*

(d) \*\*\*

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license grant granted before April 15, 2000: Telegraphy Elements 1 and 2.

\* \* \* \* \*

3. Section 13.13 is amended by revising paragraph (d)(2) to read as follows:

**§ 13.13 Application for a renewed or modified license.**

\* \* \* \* \*

(d) \* \* \*

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license document granted before April 15, 2000: Telegraphy Elements 1 and 2.

## PART 97 - AMATEUR RADIO SERVICE

4. The authority citation for part 97 continues to read as follows:

**AUTHORITY: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.**

5. Section 97.3 is amended by revising paragraphs (a)(35) and (b) introductory text to read as follows:

**§ 97.3 Definitions.**

(a) \* \* \*

(35) *Question set.* A series of examination questions on a given examination selected from the

question pool.

\* \* \* \* \*

(b) The definitions of technical symbols used in this part are:

\* \* \* \* \*

6. Section 97.119 is amended by revising paragraph (f)(2), removing paragraph (f)(3), and revising and redesignation paragraph (f)(4) as (f)(3) to read as follows:

**§ 97.119 Station identification.**

\* \* \* \* \*

(f) \* \* \*

(2) For a control operator who has requested a license modification from Novice, Technician, or Technician Plus Class to General Class: AG;

(3) For a control operator who has requested a license modification from Novice, Technician, Technician Plus, General, or Advanced Class to Amateur Extra Class: AE.

\* \* \* \* \*

7. Section 97.527 is revised to read as follows:

**§ 97.527 Reimbursement for expenses.**

VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating an examination for an amateur operator license.