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FEB 26 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Part 97 of the)
Commission's Rules Governing the) RM-
Amateur Radio Service to Require)
The Administration of All Amateur)
Radio Qualifying Examinations)
Under the Volunteer Examiner)
Program) PRM92PR

To: The Secretary
Federal Communications Commission

PETITION FOR RULE MAKING

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.401 of the Commission's Rules (47 C.F.R. Section 1.401), hereby respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date, looking toward the amendment of the Rules governing the Amateur Radio Service, to require that all amateur radio license examinations, including the Novice class amateur radio license examinations, be administered under the current volunteer examiner program now in successful operation throughout the United States. As good cause for its request, the League states as follows:

1. Public Law 97-259, the "Communications Amendments Act of 1982", authorized the Commission "to accept the voluntary and uncompensated services of certain Amateur Radio Service

licensees to prepare and administer examinations for applicants for licenses in the Amateur Radio Services." [47 U.S.C. Section 154(f)(4)]. By Report and Order, 54 RR 2d 1068 (1983), affirmed as modified, 56 RR 2d 694 (1984), the Commission implemented this legislation to create a program using volunteers to prepare and administer examinations in the Amateur Radio Service above the Novice level.

2. The three primary reasons for the legislation, and for the Commission's implementation of the volunteer examiner program were (1) to make amateur radio examination opportunities more available to amateurs wishing to upgrade their license class; (2) to improve the integrity of the examination process; and (3) to clarify the legal status of the volunteer examiner program for the Novice class license, which had already long been in operation. At the time, budget limitations had resulted in severe cutbacks in examination opportunities under the Commission-operated examination system. At the same time, and for the same reason, the Commission's ability to revise examination question pools for the various classes of amateur license was limited, and the examinations were compromised. The volunteer examiner system solved both of those problems, and has worked better than even the amateurs expected. The legislation also served to clarify the Commission's authority to utilize individual examiners for the Novice class license, which it had done since the inception of the Novice class license.

3. The volunteer examiner program (herein referred to as the "VEC program"), with its multiple coordinators and three-member volunteer examiner (VE) teams throughout the country, has provided many opportunities for those who hold a Novice or higher class license, and those who wish to enter the Service above the Novice level, to take a fair examination at a convenient time and location. The examination question pools are large enough to prevent compromise, and the pools are amended often enough, by an informal coalition of volunteer examiner coordinators including the League, that the system functions extremely efficiently. Many examination sessions also incidentally provide an opportunity for newcomers to take Novice examinations, though the Novice program is not now officially a part of the VE program.

4. When the Commission issued its Notice of Proposed Rule Making in Docket 83-27, the only stated reason for leaving the Novice program out of the volunteer examiner program for higher class licensees was that there was already in place a Novice volunteer examiner system, which consisted of one examiner holding a General or higher class amateur license. It was not necessary at the time to disrupt a system which worked, in order to bring the Novice program within the (then untested) VEC program for higher class licensees:

We herein propose to adopt rules to accept the assistance of certain voluntary and uncompensated individuals for purposes of preparing and administering amateur operator examinations other than Novice Class telegraphy and written

examinations. We already have an ongoing volunteer examination program for Novice class licenses and expansion of that program is the subject of a Notice of Proposed Rule Making in PR Docket 82-727 (citation omitted). The Novice program is not likely to be subject to possible abuse nor to need constraints to assure against compromise of the examinations. Such constraints are necessary in a volunteer program for amateur operator examinations conferring greater rights and privileges. Therefore, we do not, at this time, propose to make procedures for Novice class operator examinations subject to this proceeding. Should we adopt rules like those proposed, and should the program prove successful, we could consider incorporating the Novice class volunteer program within this one at a later date.

(FCC 83-22, 48 Fed. Reg. 8090, par. 14).

5. Of course, those two preconditions for bringing the Novice examining program within the VEC program have been met: The VEC program is almost a decade old and is eminently successful. In that same period of time, the Amateur Radio Service has grown significantly, and the nature of the Novice class license has changed significantly as well. It is still an entry level license class, but it is now one of two; the other being the codeless Technician class license. The Novice license also now carries with it a much more extensive repertoire of privileges than it did in 1983.

6. In 1986, perceiving that the Novice class license structure did not convey sufficient privileges to retain newcomers to the Amateur Radio Service, nor to encourage them to upgrade their license class, the League and others petitioned the Commission to increase the operating privileges for Novices. Previously, Novices had only high-frequency telegraphy privileges. In Docket 86-161, the

Commission adopted a Report and Order, 2 FCC Rcd. 727 (1987) which granted Novice class licensees telephony privileges in the 10-meter band, and certain VHF and UHF telephony privileges as well. This changed the character of the license class greatly, and generally served the purpose of the proceeding: to encourage those who had Novice licenses to keep them and to upgrade to higher class licenses.

7. The League suggested in that proceeding that because of the increased privileges, the number of Novice examiners should be increased from one to two, in order to maintain the integrity of the process. A large number of the commenters, however, suggested that the entire Novice program should be brought within the VEC system. This was resisted at the time by the League, as it believed that such would create a burden on the VEC program. There was also a fear that bringing the Novice examining program into the VEC program would result in a decrease in the overall availability of examinations for Novices, then the only entry level license class. The Commission settled on two examiners for Novice examinations, leaving the Novice class license outside the VEC program. The Commission shared the League's concern about overloading the hardworking VECs and VE teams, suggesting that the VEC's workload would be almost doubled if the Novice examinations were added to the VEC program. (Id., 2 FCC Rcd. at 728).

8. The character of the Novice class license was changed even more significantly, (even without change in the

regulations governing that license class), when the Commission most recently implemented a codeless license class. The removal of the telegraphy examination requirement from the Technician class license in Docket 90-55 [See, the Report and Order, 5 FCC Rcd. 7631 (1990)] created an entry-level class amateur license in the Technician Class license. That license class was and is administered through the VEC program. Thus, there are now two principal entry points into the Amateur Radio Service. Though there is still a significant interest in the Novice class license, a large number of newcomers now become amateurs through the Technician class license. Commission figures for January, 1992, show that, of a total of 3,973 new licensees for the month, 3,318 were Technician class licensees, and 655 were Novices. The burst of newcomers to the Amateur Radio Service following the creation of a codeless license class has been handled capably, and apparently without significant strain, by the VECs and VE teams.

9. From the above, three conclusions are supported: (1) that the number of Novice examinations has decreased since the creation of the codeless Technician class license; (2) that the VEC program is capable of assimilation of the remainder of the entry-level examinations from the Novice program without significant burden; and (3) that the ready availability of Technician class license examinations is apparent from the number of new codeless Technician class

licenses issued. Thus, if the Novice examinations were brought within the VEC program, it would appear that there would be no significant disruption of the VEC program, and that Novice examinations, like all other examinations, will be sufficiently available from local VE teams so that no prospective Novice would be deterred in finding an examination opportunity.

10. The League, recognizing that the Novice class license after 1987 conveyed far more significant operating privileges than it had previously, established in July of 1990 as its policy that (1) all examinations should be administered under the system of three-member teams of accredited volunteer examiners; and (2) that accredited volunteer examiners holding General class licenses should be authorized to administer Examination Elements 1A, 2 and 3A. These principles were advanced in the League's comments in Docket 90-55, but the Commission did not address them, since no modification of the Novice class license resulted from that proceeding.

11. From the above, it is apparent that the Novice class license has evolved since the 1982 legislation that permitted volunteer examining generally. The reasons that the Commission advanced for leaving the Novice examination program out of the VEC program were, but are no longer, valid. The license class grants significant privileges, including HF voice privileges. It is no longer the only entry

class of license, and has been somewhat deemphasized since the establishment of the codeless Technician class license. The VEC program is a resounding success, and can apparently accommodate the increase in examinations without undue burden. Examination opportunities are widespread, as is evidenced by the large number of new Technician licensees added recently to the rolls.

12. Numerous advantages would accrue to both the Amateur Radio Service and to the Commission from the consolidation of all examinations under the VEC program. First, the processing of FCC Form 610 applications by VECs prior to sending them to Commission's Gettysburg office for license issuance would result in a better "product" being delivered: few errors in the 610 forms would survive, and the Commission would thus be able to process licenses for new Novices faster. Should any question arise about a particular application, the Commission Gettysburg staff need communicate with only one of less than 20 experienced VECs, rather than with the thousands of licensed amateurs who may administer a Novice examination. The efficiency of the Novice licensing process would increase as a result, and the Commission should be spared a significant amount of administrative effort and staff time. The examinations would be essentially uniform, and administered with the degree of professionalism inherent now in the VEC program. Thus, the integrity of the examination

process would be constant in all amateur examinations, Novice through Amateur Extra class.

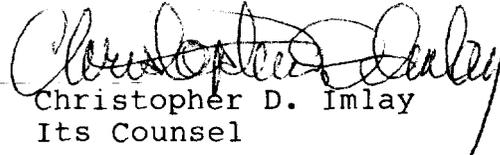
Accordingly, the American Radio Relay League, Incorporated respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date, looking toward the adoption of modified rules which would consolidate all amateur radio examinations under the current VEC program.

Respectfully submitted,

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February 26, 1992

APPENDIX

1. Section 97.507(c) is amended to read as follows:

(c) Each telegraphy message and each written question set administered to an examinee must be obtained from a supplier, or prepared by the administering VEs, according to instructions from the coordinating VEC.

2. Section 97.507(d) is eliminated, and subsection (e) becomes subsection (d) thereof.

3. Section 97.511 is amended to read as follows:

Section 97.511 Operator License Examination Requirements

(a) Each session where an examination for an operator license is administered must be coordinated by a VEC. Each administering VE must be accredited by the coordinating VEC.

(b) Each examination for a Novice Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC issued Amateur Extra, Advanced, or General Class operator license.

(c) Each examination for a Technician Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC-issued Amateur Extra or Advanced Class operator license.

(d) Each examination for a General, Advanced or Extra Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC-issued Amateur Extra Class operator license.

(e) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(f) Within 10 days of the administration of a successful examination for an operator license, the administering VEs must submit the application to the coordinating VEC. If telegraphy element credit is claimed under Section 97.505(a)(5), the physician's certification and the patient's release on the license application, Form 610, must be completed.

4. Section 97.513 is eliminated in its entirety.

5. Section 97.521(c), pertaining to VEC qualifications, is amended to read as follows:

No organization may serve as a VEC unless it has entered into a written agreement with the FCC. The VEC must abide by the terms of the agreement. In order to be eligible to be a VEC, the entity must:

(a) *****

(b) *****

(c) Agree to coordinate examinations for all classes of operator license;

(d) *****

(e) *****