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

In the Matter of	)	
	)	
Amendment of the Amateur Radio Service Rules to Include Novice Class Operator License Examinations in the Volunteer Examiner Coordinator Examination System	)	PR Docket No. 92-154

REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national association of Amateur Radio Operators in the United States, by counsel and pursuant to §1.415(c) of the Commission's rules (47 C.F.R. §1.415(c)), hereby respectfully submits its reply to certain of the comments filed in response to the Notice of Proposed Rule Making (the Notice), FCC 92-323, 7 FCC Rcd. 4608 et seq., released July 23, 1992. The Notice proposed to amend the Amateur Radio Service rules to include the responsibility for the preparation and administration of Novice Class operator license examinations under the volunteer examiner coordinator (VEC) system. In continued support of the proposal contained in the Notice, the League states as follows:

1. There were a number of comments filed in this proceeding addressing various aspects of the volunteer examiner program. Several supported the proposal, first espoused by the League and the W5YI VEC in separate petitions, to bring the Novice examination program within the Volunteer Examiner program. Others proposed some

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modification thereof. For example, one commenter counterproposed that the Commission require only one VEC-approved examiner for Novice examinations. Another suggested that bringing the Novice examinations into the VEC program was a good idea, but that having two Advanced or Extra Class licensees as examiners for Novices would protect the availability of Novice Examinations while protecting the integrity of the system, without bringing the Novice program into the VEC program.

2. The vast majority of the comments filed which opposed bringing the Novice examinations under the VE system made similar points, i.e.: (a) that there was not a problem with the integrity of the Novice examination program currently; and (b) that bringing the Novice examinations within the VE system would greatly reduce the number of available examinations in rural areas, thus to make it difficult or expensive for a candidate, particularly young candidates, to obtain any amateur license at all. There were numerous comments from amateurs in Alaska making this latter point in the strongest possible terms.[1]

3. As to the first concern expressed by the opponents, that there is no significant evidence of a problem with examination irregularity with Novice class examinations, the League agrees.

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[1] The League has always maintained as its goal for the Volunteer Examiner program that no person who wants to take an amateur examination should be deprived of the opportunity to do so because the examination is unavailable geographically or temporally. Regardless of the outcome of this proceeding, the League will make amateur examinations available to those in rural Alaska to the best of its ability to do so, not only for Novice class candidates, but for all other classes of license as well.

There is no reliable evidence that Novice examinations are compromised to the extent that a change in the program is necessitated thereby. That is not, however, the principal, or even a major, reason for the proposed change. Rather, as stated in the League's February 26, 1992 petition for rule making, the request was based on three conclusions:

> (1) that the number of Novice examinations has decreased since the elimination of the Morse Code requirement for the 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,...Novice examinations, like all other examinations, will be available from VE teams so that no prospective Novice would be deterred in finding an examination opportunity.

The League concluded that because the Novice class license is now one of two entry-level license classes, and because the Novice license now carries with it a much more extensive repertoire of privileges than it did in 1983 when the issue of bringing Novices within the Volunteer Examiner system was last visited, there is no justification for maintaining a separate examination system for the Novice license. Integrity of the Novice examination program was not an issue, and does not independently serve as a justification for the proposed rule change. Neither does it constitute a significant basis for the Commission's Notice in this proceeding.[2]

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[2] The Notice does suggest that the Novice examination system is subject to inefficiencies and irregularities, but the discussion at Paragraph 3 related to the fact that there is no standardization of the examination administration, and no data kept by the examiners. There are also errors and omissions in the 610 forms, which delays processing of new licenses significantly.

4. A more compelling concern is the unavailability of examinations in rural areas, especially in Alaska. The League had noted that statistically, there is no evidence of any such unavailability, as the number of new codeless Technician licenses issued, all of which were handled through the VE system, does not seem to reflect any unavailability of examinations in the United States taken as a whole. Examination opportunities were of course greatly enhanced when the Commission implemented the VE system, and there have not since that time significant complaints about the unavailability of examinations from any quarter. However, the Commission has always acknowledged that in Alaska, regulations that are not a problem in the lower 48 states often provide significant obstacles for licensees in Alaska, and on occasion have made exceptions in rules, and granted waivers where equity dictates in order to insure that licensees in Alaska, with its vast territory and rural character, are protected against otherwise inequitable circumstances.

5. In this instance, it would appear on balance that difficulties in Alaska in taking amateur examinations should not determine whether the Novice examinations should be brought within the VE program in the United States as a whole. There will always, no matter how many examination opportunities are available, still be hardships for those in truly rural environments. Alaskans depend on Amateur Radio to a greater extent than do the rest of the population. It is up to the VECs to insure that examination

opportunities do not decrease as the result of the proposed rule change. Speaking for the ARRL-VEC, a significant effort will be made to insure that examination opportunities expand for those in Alaska and other rural areas, and that they are not prevented from becoming licensed in the Amateur Radio Service. The issue of availability is, however, in this instance a practical problem, not a regulatory one.

6. The remainder of the comments filed do not appear to state reasons why the proposed rule change should not be made. Some commenters seem to believe that General class licensees would not be able to administer Novice class examinations within the VE program under the Notice proposal. This is not correct. The proposed rules would allow any amateur holding a General class license or above to administer Novice class licensees. This should provide a significant increase availability for Novice class license examinations under the VE system than the VE system offers at present.

Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission

proceed with the implementation of the rules contained in the Notice, with the clarification requested in the League's Comments in this proceeding, at an early date.

Respectfully submitted,

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