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

In the Matter of

Petitions for Amendment of the
Amateur Service Rules To Establish
a No-Theory License, To Restore
Previous Examination Standards, and
To Redefine the Purposes of the
Amateur Service. RM-8259
RM-8260

ORDER

Adopted: August 16, 1993; Released: August 24, 1993

By the Chief, Private Radio Bureau:

1. On April 19, 1993, Scott Leyshon (Leyshon) filed a petition (RM-8260) requesting that the amateur service rules be amended to eliminate all written examinations for an amateur operator license and that the Commission state whether the goal of the amateur service is technical or non-technical in nature. He argues that the present examinations place a premium on rules at the expense of technical content. No comments were received on the petition. A similar petition (RM-8259) was filed by Vincent Biancomano (Biancomano) on May 14, 1993. Biancomano, however, does not advocate elimination of the written examinations, but in all other respects concurs in Leyshon's petition. Both petitioners want the purposes of the amateur service redefined or, in the alternative, a restoration of prior examination standards.¹ Three comments were received in response to Biancomano's petition. The commenters believe that the Commission should state the goal of the amateur service as being either a technical or a non-technical service.

2. Insofar as the examinations for amateur operator licenses are concerned, the Commission is responsible for classifying station operators according to the duties they perform, and for issuing licenses to persons who are found qualified.² Section 97.503(b) of the Commission's Rules, 47 C.F.R. § 97.503(b), therefore, provides that a written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee exercising the privileges of the class of license sought. The examination questions are prepared by knowledgeable amateur operators who volunteer their time and expertise. Of the 170 questions that appear on examinations for amateur operator licenses, only 46 concern current rules and operating procedures, while 124 concern

contemporary technical matters. We do not believe, therefore, that the present examinations place an unjustified premium on rules. Nor do we agree that the examinations should be based upon dated technology.

3. The Commission's Rules for the amateur service, contained in Sections 97.1-97.527, 47 C.F.R. §§ 97.1-97.527, are designed to provide a service having a fundamental purpose as expressed in the five principles stated in Section 97.1. These principles clearly state that the advancement of amateur operator skills in both the operational and the technical phases of radio communications is encouraged. By and large, the amateur community does not want the explanation of the basis and purpose of the amateur service changed. This conclusion is based on the views that they have shared with us over the years generally in a rule making context. Further, the current statement of its purposes is serving the amateur service well. We do not agree, therefore, that there is any need for the goal of the amateur service to be stated as either technical or non-technical in nature.

4. In view of the foregoing, and pursuant to Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), rule making petitions RM-8260 and RM-8259, filed by Scott Leyshon and Vincent Biancomano, respectively, to amend the amateur service rules do not warrant consideration by the full Commission and ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Ralph A. Haller
Chief, Private Radio Bureau

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¹ The rules adopted in the Report and Order in Docket No. 15928, are often referred to as "incentive licensing." The rules were implemented in two phases on September 22, 1967, and November 22, 1968. Leyshon wants the re-establishment of the examination standards that existed prior to the implementation of "incentive licensing" so that amateur operators can meet the

purposes of the amateur service as stated in the amateur service rules and, therefore, be able to retain their presently allocated frequencies. Biancomano also wants a return to the examination standards that existed prior to incentive licensing.

² See Section 303(l)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 303(l)(1).