

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Implementation of Section 9 )  
of the Communications Act )  
Assignment and Collection of )  
Regulatory Fees for 1994 )  
Fiscal Year )

MD Docket No. 94-19

TO: The Commission

COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national non-profit association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. §1.415) hereby respectfully submits its comments in response to the Notice of Proposed Rule Making ("the Notice"), FCC 94-46, released March 11, 1994, 59 Fed. Reg. 12570. The Notice proposes the implementation of the annualized regulatory fees authorized by the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, which created Section 9 of the Communications Act (codified at 47 U.S.C. §159). Relative to two aspects of this proposal concerning fees to be assessed certain amateur radio operators, the League states as follows:

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## **I. The League Supports the Exemption of Amateurs From Regulatory Fees**

1. The League notes that Paragraph 17 of the Notice, in accordance with the statutory exemption under Section 9(h) of the Communications Act (47 U.S.C. §159(h)), proposes to exempt from the regulatory fees established otherwise under Section 9 those fees applicable to, inter alia, governmental entities or nonprofit entities, and "amateur radio operator licenses under Part 97 of the Commission's Regulations". The League supports this exemption, as it is consistent with Congressional intent, and because there is no justification for an annualized regulatory fee for radio amateurs.

2. The Congress determined long ago that the Amateur Radio Service was by far the most self-regulating and disciplined radio service administered by the Commission. See, the Joint Explanatory Statement of the Committee of Conference with respect to the Communications Amendments Act of 1982, Pub. L. 97-259, H.R. Report No. 765, 97th Cong., 2nd Sess. at 33; reprinted in 1982 U.S. Code Cong. & Admin. News, at 2263. This was prior to the time that amateur radio operators undertook the voluntary and uncompensated service to the Commission in preparation and administration of examinations for amateur licenses, and prior to the volunteer monitoring program, whereby amateurs participate in self-policing and encouraging rule compliance. The result of the implementation of these programs has been the saving of a great deal of Commission time and expense, and increases in the efficiency of amateur radio administration. In short, the Amateur Service continues its

tradition of self-regulation, thus obviating any justification for annual regulatory fees. The Notice properly exempts amateurs from the fees, and this exemption should carry forward to any report and order adopted in this proceeding.

**II. The League Supports the Creation of Certain Rules for Fees to be Assessed and Collected for a New System of Vanity Call Signs for the Amateur Radio Service**

3. Paragraphs 17 and 59 of the Notice also make reference to the implementation of a program of vanity call signs in the Amateur Service. The Commission has indeed proposed, in a Notice of Proposed Rule Making in Docket 93-305 (FCC 93-545, 9 FCC Rcd. 105 (1993) the creation of a new program whereby amateur radio operators who desire a particular call sign could select such, provided that they file an application therefor and pay an annualized fee of \$7 per year. The fee would be collected in advance for a ten-year license term, so that the total payment with the call sign request would be \$70. Additional fees would be charged thereafter for the renewal of the special call sign.

4. The League does not oppose the implementation of the fee collection arrangements for the vanity call sign program. Indeed, the program was the result of proposals to Congress made by the League just prior to the adoption of the Omnibus Budget Reconciliation Act of 1993. However, the League's proposal, developed as the result of conversations between the League and the Commission's Private Radio Bureau, was slightly different in that it involved an advance, one-time application fee for a vanity call

sign request. The one-time application fee would be refunded if the call sign was not available. If available, the call sign would be assigned, and the one-time application fee would entitle the radio amateur to the use of the requested call sign for life.

5. The League-proposed application fee would have more properly been incorporated in Section 8 of the Communications Act (47 U.S.C. §158), the Schedule of Charges, rather than in Section 9, the category of annual regulatory fees. The League proposal was not adopted as such by Congress in the Budget Reconciliation Act. However, the League has requested that Congress, in near-future legislation, modify the vanity call sign fee arrangement such that it is removed from Section 9, and incorporated instead in Section 8 of the Communications Act. A one-time application fee, to be determined by Congress, would be collected instead of an annualized regulatory fee for the maintenance of the call sign assignment. The proposed modification should be revenue-neutral. The response of Congress to this modification proposal has been positive, and it is likely that in the near future (perhaps prior to a determination on the merits of implementation of the Vanity Call Sign program in Docket 93-305, supra) the Vanity Call Sign fee will be in the nature of an application fee, rather than an annualized regulatory fee. Since the impact of the program on the Commission's workload is at the time of the initial assignment of the call sign, rather than in the maintenance of the database after the call sign is issued, the fee for the service is properly an application fee, and not an annualized regulatory fee. This proceeding should take into

account the possible modification of the legislative plan for fee collection for a vanity call sign program for the Amateur Radio Service.

6. The League supports the collection of a fee for the provision of a service, in this instance the discretionary participation of amateurs in a special call sign program, and appreciates the Commission's willingness to undertake the program as a service to their dedicated amateur radio licensees.

### III. Conclusion

7. The League supports the Commission's proposal to exempt radio amateurs from annualized regulatory fees. There is no justification for an abstract regulatory fee for radio amateurs, given the nature of the service and the absence of any real administrative burden to the Commission created by radio amateurs. Their basic needs are, with but few exceptions, administered through volunteer efforts, and an annual regulatory fee is not justified.

8. What is justified, however, is the collection of a fee for a specific service, which amateurs have always been willing to pay. The amateur community generally, and the League, are most supportive of the Commission's plan to implement a vanity call sign program, to be paid for by those who choose to participate in it. The League prefers an advance, one-time application fee, rather than an annualized regulatory fee for the purpose, and has proposed a specific legislative plan for the modification to accomplish

this. Such is pending and may result in a modification of the legislative authority for the collection of fees for the vanity call sign program. The League notes this so that the Commission can plan for the legislative change, if it is implemented.

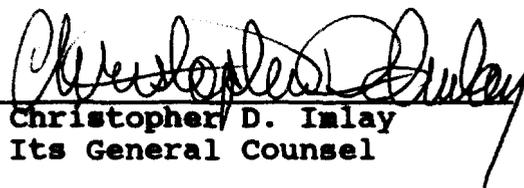
Therefore, the foregoing considered, the American Radio Relay League, Incorporated, respectfully requests that the Commission implement both of its proposals in this proceeding: to exempt amateurs from an annual regulatory fee, and to implement a fee collection process for a vanity call sign program in the Amateur Service, for those licensed amateurs who elect to participate in it.

Respectfully submitted,

**THE AMERICAN RADIO RELAY  
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