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October 23, 1995

FEDERAL EXPRESS AIRBILL NUMBER 7399522631

OCT 24 1995

Honorable William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street N. W. - Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: PR DOCKET NO. 93-305

MEMORANDUM OPINION AND ORDER

ADOPTED SEPTEMBER 21, 1995; RELEASED OCTOBER 2, 1995

Dear Mr. Secretary:

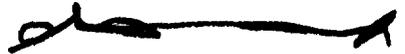
We enclose our Section 405A Amended Petition for Reconsideration, amending by substitution, that original Petition filed by mailing October 18, 1995 and directed to a portion of the captioned Memorandum Opinion And Order.

Such enclosure includes the original Petition, together with 5 copies.

Again, please be kind enough to advise us, should we have not filed the preceding papers in proper order.

Thank you.

Very Truly Yours,



CHARNELLE H. SUMMERS, JR.

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Before the
Federal Communications Commission
Washington, DC 20554

PR Docket No. 93-305

In the Matter of

Amendment of the Amateur Service Rules to Implement a Vanity Call
Sign System

DOCKET FILE COPY ORIGINAL

Memorandum Opinion and Order

Adopted: September 21, 1995; Released: October 2, 1995.

AMENDED PETITION FOR RECONSIDERATION

Petitioner, CHARNELLE H. SUMMERS, JR., respectfully files this Amended Petition for Reconsideration, amending by substitution thereof, his original Petition for Reconsideration of the above entitled Memorandum Opinion and Order, stating:

STATEMENT OF THE CASE

1. This Petition is addressed to the GRANTING IN PART of the Petition for Reconsideration of David P. Popkin, by amending Part 97 as set forth in the APPENDIX to the foregoing Memorandum and Order appearing at Paragraph 3 therein. Specifically our Petition is directed to the following text of such APPENDIX:

3. Section 97.19 is amended by revising paragraph (d) introductory text and adding new paragraph (d)(4) to read as follows:

§ 97.19 Application for a vanity call sign.

* * * * *

(d) The vanity call sign requested by an applicant must be selected from the group of call signs corresponding to the same or lower class of operator license held by the applicant as designated in the sequential call sign system.

* * * * *

2. The commission, **III DISCUSSION**, at **Paragraph 9**, of the subject Memorandum and Order, supported its decision to adjudicate the foregoing amendment by concluding as follows:

(emphasis added)

9. The current vanity call sign system allows a licensee to request a call sign corresponding to the same operator class currently held, or to a lower class. The rules, however, permit a close relative to request the former call sign of a deceased licensee regardless of operator class. Upon reconsideration, we are persuaded that this latter provision could result in unfair assignments. For example, a Novice Class operator could obtain a Group A call sign simply because a now-deceased relative once passed the rigorous examination for an Amateur Extra Class operator license. For this reason, we conclude that the close relative exception should be limited to persons who hold the requisite or higher class of operator license. The lower class licensee, however, is not without recourse. Section 97.19(c)(3) of the Commission's Rules, 47 C.F.R. §97.19(c)3), provides a

two-year period following a licensee's death during which the call sign is available only to close relatives. This allows a reasonable period for the relative to pass the examinations for the requisite class of license.

ARGUMENT

1. We would suggest that the enactment of the foregoing amendment, by inadvertence, has penalized a significant group of older and experienced amateur operators who have been licensed for many years, but survive pioneer amateur licensees who died more than two years ago, leaving unassigned calls of a grade superior to that held by them.

2. Placing this matter in historical perspective and practical application, it should be recognized that many current amateur licensees, together with their predeceased parents, were granted "Class A" licenses by the FCC long before the existing licensing structure came into being. Class A was the highest grade of license bestowed, awarded upon examination after completion of at least one year's apprentice experience as a "Class B" licensee. The entry level Class B operator was initially licensed by successfully passing a written test, preceded by demonstration of 13 word per minute code proficiency, proved by copy of straight text before the examiner.

3. When the existing configuration of license structure consisting of Novice, Technician, General, Advanced and Extra Class was enacted, those amateurs then holding the Class A license were given Advanced privileges without examination.

Additionally, such operators who had been licensed for a specified extensive length of time, were elevated into the Extra Class, without examination.

4. Consider by example your Petitioner who, among with many other grandfathered Advanced Class operators, sat for the Class A examination, the better part of 50 years ago. Yet we survive parents who died more than two years ago, and were former Class A operators as well, but grandfathered into Extra Class status.

By way of parenthetical illustration, I was first licensed with my present call sign, W4IJE, as Class B in 1946, upgraded to Class A in 1947 and later grandfathered to Advanced Class. My late father was first licensed in 1914, as W4AR, upgraded to Class A, then grandfathered into the Extra Class. He died in 1991, leaving his original call letters, W4AR, unassigned.

5. The amendment to which we now take exception would not allow your Petitioner and those similarly situated, two years in which to upgrade to Extra Class, hence denying recourse to inherit our parents' call sign.

WHEREFORE, Petitioner respectfully requests the Commission to reconsider its ruling as set forth above, granting the following relief:

1. Amending such ruling to allow survivors of deceased Extra Class licensees the right to be assigned their late parents' call signs, as a vanity call sign, without upgrade requirement when: (1) the deceased parent has been dead for more than two years and (2) the applicant holds and has held an Advanced Class License for at least thirty years.

2. Such other and further relief as the Commission may deem meet and proper.

Respectfully Submitted,



CHARNELLE H. SUMMERS, JR.
Petitioner, Pro Se

Petitioner's name and address:
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CERTIFICATE OF SERVICE

I hereby certify that the original foregoing Amended Petition, accompanied by 5 true copies thereof, was on this 23rd Day of October 1995, delivered by Federal Express Airbill Number 739952263, to William F. Caton, Acting Secretary, Federal Communications Commission, 1919 M Street, N. W., Room 222, Washington, DC 20554.



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