

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
COMMUNICATIONS DIVISION

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

PR Docket No. 93-305

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To: The Commission

**PETITION FOR RECONSIDERATION OF THE
SOUTHERN CALIFORNIA REPEATER AND REMOTE BASE ASSOCIATION**

The Southern California Repeater and Remote Base Association, hereinafter "SCRRBA", by its attorneys and pursuant to Section 1.106 of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby submits this Petition for Reconsideration in response to the Commission's Memorandum Opinion and Order ("MO&O") released in the above-captioned proceeding.^{1/}

PRELIMINARY STATEMENT

1. SCRRBA is a voluntary association of licensees in the Amateur Radio Service (ARS) operating in Southern California. SCRRBA members operate fixed and mobile relay

^{1/} Memorandum Opinion and Order, FCC 95-402, released October 2, 1995. A summary of the MO&O, together with the text of the revised Part 97 rules, were published in the Federal Register, 60 Fed. Reg. 53,132 (October 12, 1995).

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stations on the 10 meter, 6 meter, 70 cm and shorter wavelengths allocated to ARS bands. SCRRBA, including its predecessor -- the California Amateur Relay Council -- has provided voluntary, amateur-sponsored frequency coordination for ARS repeater and auxiliary stations continuously since 1970. As the Commission is aware, SCRRBA has been an active participant in virtually every major Part 97 docketed proceeding and rulemaking concerning ARS mobile and fixed relay operations.

2. SCRRBA is concerned that in the process of revising the Vanity Call Sign rules the Commission has unintentionally introduced inequities into the rules. For example, the MO&O denies the reconsideration requested by the American Radio Relay League (ARRL) to limit applications for vanity call signs to the same call sign area as the applicant. The agency noted, "We still believe that it is unnecessary to impose a rigid correlation between the licensee's mailing address, license class, and call sign."^{2/} Specifically, the MO&O granted the reconsideration requested by Mr. Popkin to limit relatives to obtaining the call signs of deceased relatives that are of the same or lower class operator license held by the applicant.

^{2/}

MO&O, para. 7.

3. SCRRBA urges the Commission to consider that, in granting Mr. Popkin's request for reconsideration, the agency is restricting applicants for the "close relative exception" far beyond the agency's original intentions expressed in this proceeding's Report and Order. SCRRBA believes the FCC's revision provides no recourse for an applicant whose close relative was deceased many years ago and who now needs time to upgrade his or her ARS operator's license to the appropriate class to obtain the deceased relative's call sign. The MO&O has only addressed the case of deceased relatives that occurs after the initial gate opening process has been completed. This begs the question of how the Commission will handle deceased relative matters that occurred long before opening of the gate.

4. In the MO&O, the FCC states its belief that "The lower class licensee is not without recourse" since the rules provide a two-year period following a licensee's death during which the call sign is available only to close relatives.^{3/} The FCC believes this allows a reasonable period for the relative to pass the examinations for the requisite class of license. SCRRBA believes this revision introduces an inequity into the gate process for applicants seeking the call signs of long-deceased close relatives. SCRRBA urges the Commission to recognize that today there

^{3/}

MO&O, para. 9.

are many ARS licensees with deceased close relatives that held call signs originating from earlier FCC call sign assignment schemes that would, by today's operator class assignment rules, exceed the class attained by the applicant for the deceased's call sign.

5. SCRRBA believes that this oversight and inequity can easily be remedied, without rule revisions, simply by changing the procedures for the one-time gate process.^{4/} Specifically, SCRRBA urges that the Commission simply modify the Gate 1 process by allowing all close relatives to be able to place in "RESERVE" (not deny) for a two-year period the call sign of any deceased close relative that is considered to belong to a higher license class today than the license class of the current applicant. This procedure would be used for any close relative that deceased prior to the announced commencement date for Gate 1.

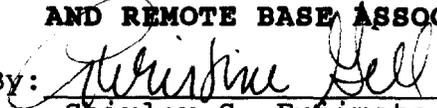
6. SCRRBA respectfully submits that by granting this request for a simple change to the Gate 1 application process, the Commission can correct this oversight without need for further revisions to the Part 97 rules. Correction

^{4/} Since there is still uncertainty as to when the gate process will be officially commenced, and the Commission is naturally reluctant to seek official approval from the Office of Management and Budget for the gate process until all reconsiderations are resolved, SCRRBA believes there is ample time to implement its suggested remedy.

of this oversight and inequity would allow the same two-year period of recourse for all relatives to upgrade to the requisite operator class necessary to claim the deceased relative's call sign.

Respectfully submitted,

**SOUTHERN CALIFORNIA REPEATER
AND REMOTE BASE ASSOCIATION**

By: 

Shirley S. Fujimoto
Christine M. Gill
McDermott, Will and Emery
1850 K Street, N.W.
Suite 500
Washington, D.C. 20006
202-778-8282

Its Attorneys

Dated: November 13, 1995