

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

In the Matter of)
)
Enhancements to the Commission’s Universal) **WT Docket No. 14-161**
Licensing System and Antenna Structure)
Registration System for Providing Access to)
Official Electronic Authorizations)

To: The Commission

**COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated (ARRL), by counsel, hereby respectfully submits its comments in response to the *Public Notice*, DA 14-1478, 79 Fed. Reg. 64383 *et seq.*, released by the Chief, Wireless Telecommunications Bureau on October 10, 2014 (the Notice).¹ The Notice proposes a system to permit access to official Commission authorizations and licenses electronically, including licenses in the Amateur Radio Service; and to revise its protocols which currently provide for issuing paper licenses through the U.S. Mail. In the interest of licensees in the Amateur Radio Service in complying with Federal and non-Federal obligations which involve demonstration of the license status of those licensees, ARRL states as follows:

1. The instant Notice is premised on one of the recommendations of the Commission’s “Report on FCC Process Reform”² released in February of this year. Recommendation 2.6 at page 17 of the Report urged that, “to the extent permitted by Federal records retention

¹ These comments are timely filed pursuant to the date specified in the Public Notice.

² See, Staff Working Group (led by Diane Cornell), *Report on FCC Process Reform*; February 14, 2014 (referred to herein as the “Report”). ARRL filed comments on the Report and its recommendations in Docket 14-25, but made no comment in that proceeding on Recommendation 2.6 discussed herein.

requirements,” licensing Bureaus “should eliminate paper copies of licenses.” Based on this recommendation, the Commission now proposes to stop routinely providing paper copies of current (active) authorizations to licensees and other Commission authorization holders unless it is notified that the licensee or authorization holder wishes to continue receiving official licenses and authorizations on paper. Until new procedures are adopted and final, the Commission will continue to print and mail out official licenses and authorizations unless it is notified that licensees or registrants wish to stop receiving official authorizations on paper.

2. The Notice states that the Commission will hereafter consider the electronic version of a license stored in the Universal Licensing System (ULS) as the “official” Commission document.³ All licensees can now access, through the License Manager portal in the ULS, the official electronic versions of their current licenses that are in Active status, regardless of when they were granted.⁴ To limit access to Commission licensees only, access to official electronic licenses and authorizations through the ULS License Manager will be done by use of the licensee’s FCC Registration Number (FRN) and password. The Notice asks for comment on proposed new procedures for implementing access to official license documents electronically through the ULS, by email, and by an optional provision for continuing to receive paper license documents from the Commission (upon a licensee’s request) by U.S. Mail.

3. The Notice creates an “interim test period,” until final procedures become effective. During this interim test period, licensees can (but will not be required to) elect to stop receiving paper licenses through the U.S. Mail. If no such election is made, the Commission will continue

³ Because the electronic version of an official license stored in ULS includes an image of the Commission’s seal, the Notice claims that the requirement that licenses are authenticated by the seal of the Commission is satisfied.

⁴ As has been the case all along, the general public will continue to be able to access unofficial reference copies of licenses through the ULS. This does not require the use of an FRN or password.

to print and mail out paper licenses upon grant of applications to licensees including new and upgraded Amateur Radio licensees.

4. The Wireless Bureau's assumption is that these new procedures are now possible because of (1) the ease of access to the Internet; (2) the ubiquitous availability of electronic documents; and (3) the high adoption rate by consumers of electronic delivery of many other documents. A changeover to official electronic licenses will save FCC resources, paper and mailing costs. The Bureau also suggests that making the licenses immediately available to licensees electronically eliminates the risk of a mailed paper license getting lost or damaged in delivery.

5. To summarize the proposed new process: Once an application is granted, ULS will generate an official electronic license. The Commission, however, will no longer print out the license on paper and mail it to the licensee *unless the licensee notifies the Commission that the licensee wishes to receive or continue receiving its official license(s) on paper*. The Notice also proposes a second, additional method by which a licensee could obtain its licenses electronically: The Commission would send the official electronic license via email to a licensee upon grant of an application if the applicant included a valid email address in its application form.⁵ This would be a voluntary process; if a licensee did not wish to provide an email address in an application, it could instead obtain official electronic license from the ULS directly. Finally, the Notice proposes a third option for licensees: A licensee could notify the Commission that it wishes to receive or continue receiving its official authorization(s) on paper. The ULS License Manager online system now includes a setting that allows a licensee or registrant to notify the Commission whether it wishes to receive official licenses on paper. Once final procedures

⁵ The Commission would also add a statement to the relevant application forms that if, upon grant of the application, a licensee wished to receive the official electronic license by email, the applicant must include a valid email address.

become effective designating electronic delivery as the default, a licensee could change the default setting himself or herself online, so that once an application was granted, the Commission would print and mail the paper official license to the address associated with the licensee's FRN.

6. From the perspective of the Amateur Radio Service, the proposed new procedures have some positive aspects,⁶ but there are some practical considerations which are unaddressed in the Public Notice. At the outset it must be noted that the Amateur Radio Service, with more than 730,000 licensees holding active licenses, is composed of individuals. Even club licenses are issued to individual trustees. These are not businesses which have regular interaction with the Commission's ULS or CORES databases and the majority of them have no regular need to use either one. Though radio amateurs are technically highly competent and proficient, their level of familiarity with the ULS and the CORES systems is, in the main, relatively low compared to other radio services which utilize the ULS for licensing functions more frequently.

7. For example, when a person becomes an Amateur Radio licensee for the first time, the person goes to a publicly available examination session staffed by a Volunteer Examiner (VE) team.⁷ The candidate for an amateur license provides the team with identification information and typically provides the team with a social security number. When the examination is completed successfully, the information about the successful candidate is sent to the Volunteer Examiner Coordinator (VEC) which arranges with the Commission for the issuance of the FRN and a temporary password for that individual. The Commission then (automatically) accepts the license data entered by the VEC in the ULS database and generates a paper license. What the

⁶ For example, it would be helpful to minimize the delay between successful completion of an Amateur Radio examination and the licensee's access to the new or upgraded license that occurs under the present system of mailing paper licenses. It would also be helpful to have immediate access to an official license electronically, thus to permit reprinting a lost or deteriorated license document without applying to the Commission for one pursuant to Section 97.29 and Section 1.913 of the Commission's rules. However, it is noted that now, the Commission does permit new licensees to call the CORES help desk to retrieve their temporary password before it arrives in the mail.

⁷ See, 47 C.F.R. § 97.17(b).

new radio amateur receives thereafter by U.S. mail from the Commission via several *separate* mailings are the following: (1) the new FCC Amateur Radio license document; (2) the FRN; and (3) a document with the last four digits of the FRN and the temporary password for that FRN, with instructions for replacing that password with a permanent one. In that process, the new radio amateur never has contact with the ULS and only once - after receiving those three mailings - has to navigate the CORES system. The only way that new licensee has access to the ULS to retrieve his or her individual license data is after he or she receives the FRN and the temporary password from the Commission at or near the time that the paper license is received.

8. When the licensee upgrades his or her license class, the same process is used except that the licensee provides the VE team with his or her FRN. The licensee never has to utilize the ULS personally in the process. And in the process of license renewals, the Amateur Radio Service licensee can access the ULS for that purpose but there are also entities that provide license renewals.⁸ While certainly there are many, perhaps most, radio amateurs who have at least some experience with the ULS on at least one occasion during a ten-year license term, many don't. It is a concern that these licensees, especially new licensees, will hereafter be asked to access the ULS to obtain their first license electronically when the entire process up to that time has not necessitated their use of the ULS for any purpose whatsoever. Nor is it clear from the Notice whether a new Amateur Radio licensee will continue to receive mailings from the Commission with their FRN and temporary password. If those mailings are to continue (absent the furnishing by the new Amateur licensee of an email address to the VE team at the time of the examination) would it not make sense to include in the same mailing a paper license for that group of newcomers to the Service? At that time, an election could be solicited relative to

⁸ In the case of club station licenses, the trustee must, for license renewals or modifications utilize a Club Station Call Sign Administrator who submits renewal information to the Commission as an electronic batch file and submit to that Administrator a license in document form. See, 47 C.F.R. § 97.21(a)(1).

continued paper licenses, emailed electronic licenses or ULS-acquired electronic licenses. If the mailings of the FRN and temporary password to new licensees is *not* to continue, it is unclear how the new licensee who does not furnish an email address would be able to receive that information.

9. While the Bureau's assumptions of ease of access to the Internet, ubiquitous availability of electronic documents, and a high adoption rate by consumers of electronic delivery of many other documents are not disputed, access, or convenient access to the internet is not universal. In remote communities in Alaska, for example, in which Amateur Radio is often a critical component of regular communications even now, internet access is problematic for individuals, and it is often difficult or untimely to conduct ULS transactions. For some young people, some elderly people and some minorities, difficulty of access to the internet is still an issue. It is not acceptable to erect barriers to entry for anyone to obtain an Amateur Radio license, or to modify or renew a license. ARRL is concerned that there should be, especially for newcomers, an easy, intuitive path to make the election for license delivery method that the Commission is proposing here that does not involve ULS access at the outset. The Notice states that licensees can, on a one-time basis, request paper licenses by mail, email or telephone as well as by ULS access. Depending on the means by which the Commission plans to educate individual licensees of these options and the efficiency of using email, mail or telephone request options for requesting paper licenses, this is probably sufficient for most existing licensees. It is unclear, however, given the processes for new Amateur Radio licensees in obtaining their first license, that the mechanisms for making the election are either simple or intuitive. The Commission is urged to avoid implementing a process that discourages newcomers to the Amateur Radio Service or makes their experience difficult from the outset.

10. There are numerous instances in which a paper license is critical to an Amateur Radio operator. The Commission's Amateur Radio Service rules have for years made clear that which the Notice now adopts for all other radio services regulated by the Bureau as well: that the station license for a radio amateur is not a paper document but an "amateur station license grant on the ULS consolidated license database" per Section 97.5(a) of the Commission's rules.⁹ Nevertheless, compliance and licensing requirements of the Commission, and as well non-Federal requirements in some circumstances necessitate having paper license documents. Perhaps the most urgent of these circumstances is in the case of an Amateur license upgrade candidate. VECs require at the time of an examination that a licensee who is a candidate for an upgraded Amateur license produce both an original (for inspection) and a copy of a license document (to be retained by the VE team) as a means of authentication of the current license status of the examination candidate. If one never obtains a hard copy of a license document, it becomes at least more burdensome to take additional examinations. The examination sessions do not always have internet access available on-site, nor printers if the examination candidate does not bring a printed copy of the license with him or her to the examination session. If there is not a license printed on distinctive license stock by the Commission, authentication issues arise and the possibility of electronic alteration of a license document is created.¹⁰ Furthermore, because examination element credit is now afforded to licensees based on formerly held licenses, it becomes a burden in the future for VE teams (who are volunteers and who cannot be expected to

⁹ 47 C.F.R. § 97.5(a).

¹⁰ A review of the ULS as of this writing for Amateur Radio license document access reveals that there is no substantive difference between the reference copies of licenses that anyone can access and print and the official license documents except the absence of the word "reference copy" across the former. Alteration of a printed version of the license seems to be a distinct possibility as this is presently configured. Furthermore, contrary to the indication in the Notice, there is no means of authentication on a ULS printed Amateur Radio license.

have expertise in authentication of license status other than through a standardized license document) to verify license status without the ready availability of paper license documents.

11. In order to obtain CEPT operating authority for reciprocal operation in CEPT countries, and in order to obtain an International Amateur Radio Permit (IARP)¹¹ it is necessary to provide a hard copy of the license document from the applicant's home administration. While it is understood that the Notice proposals do provide a mechanism for obtaining one, these requirements for international Amateur Radio operation necessitate a convenient method for licensees to obtain demonstrably authentic license documents. In other contexts as well, it is necessary or useful to have a Commission-issued license document. Posting of paper licenses is called for, as but one example, where an Amateur Radio licensee uses telecommand of a remotely located Amateur Radio station on land. In that case, a photocopy of the original paper license must be posted at a conspicuous place at the station's transmitter. 47 C.F.R. § 97.213. This requirement is burdensome enough without making the means of compliance more complicated. Should the Commission proceed with the proposed elimination of mailing paper licenses to Amateur Radio licensees as a matter of course, it should consider eliminating rules that require posting of paper licenses at transmitter sites, since anyone who wants to verify the license status of a licensee can themselves consult the ULS and determine the status of a Wireless Bureau-issued license and view an unofficial copy of it.¹²

12. Indeed, other Commission Part 97 rules would have to change in order to effectuate the procedural changes proposed in the Notice, but about which the Notice is silent. For example, Section 97.29, which provides for application to the Commission for a replacement license for one which is lost, mutilated or destroyed would have to be amended. Other rules might be

¹¹ See, 47 C.F.R. § 97.5(d) and (e).

¹² As a substitute requirement, the name and contact information of the licensee could be posted.

changed as well: Section 97.23 calls for each license grant to show the licensee's mailing address, which must be in an area where the grantee can receive mail delivery by United States Postal Service. While there is a need to have a method for the Commission to communicate with the licensee,¹³ the Commission seems, based on the rationale for the instant Notice, to be of the view that there are sufficient alternatives, such as an email address for such correspondence, to obviate the need for a mailing address on a Commission license.¹⁴

13. The non-Federal requirements for an "official" Commission license document for radio amateurs are several. A copy of an official license is needed: in many states in order to permit issuance of Amateur Radio call letter license plates; in applications for land use authorizations for Amateur Radio operators wishing to install an antenna at their residences; to have in hand at emergency communications deployments in order to entitle the radio amateur to access disaster sites in order to provide emergency communications for served agencies; by those served agencies for verification of identity of the disaster relief volunteer; and in many states, in order to demonstrate to law enforcement personnel that the radio amateur is exempt from statutes restricting the use of telecommunications devices while driving a motor vehicle. It is understood that the Notice proposal provides various mechanisms for licensed Amateur Radio operators to obtain Commission-issued license documents for those who prefer to receive them on paper.

However, it is important to note that a fairly broad segment of the licensee community has a

¹³ Indeed, the failure of a licensee to provide a valid mailing address carries with it the ultimate sanction: returned correspondence from the Commission via U.S. Mail as undeliverable is grounds for license revocation or suspension. 47 C.F.R. § 97.23.

¹⁴ There would be an ancillary benefit to Amateur Radio operators from modification of this rule as well. At present, there are several call letter blocks that are otherwise assignable to Amateur Radio operators which the Commission refuses to assign, based on the argument that the prefixes of those call letter blocks indicate United States territories or possessions where there is no U.S. post office and therefore no way for the Commission to provide notices to licensees specifying those locations on licenses. While there has not been any nexus between call letter prefixes and actual station locations in the Amateur Service for many years, much less mailing addresses, the Wireless Bureau has nonetheless refused to assign those call letter blocks indicating station locations where there is no United States Post Office. A change in Section 97.23 to delete the mailing address requirement would permit the release for assignment of those call letter blocks that are now not being assigned.

regular, ongoing need for a Commission-issued paper license. If the mechanism for obtaining one is not simple, transparent and well-explained to individuals who have no regular, ongoing transactional familiarity with either the ULS or the CORES system, those licensees are not well-served at all by the Commission and by the Notice proposals.

14. In view of the foregoing, should the Commission proceed with the Notice proposals, it is ARRL's strong recommendation that the Commission give serious consideration to continuing a default provision for sending an initial paper license document to new licensees in the Amateur Radio Service, along with detailed, simple instructions for how to make the elections set forth in the notice relative to future modified or renewed licenses. It is also suggested that the Commission make clear the details of the procedure whereby radio amateurs may elect, by telephone, e-mail or U.S. mail, to continue to receive paper or email licenses. Finally, a separate public notice should be issued explaining to third parties that a licensee-generated license document printed from the official license file in the ULS has the same validity and authenticity as a Commission-issued paper document. Such a public notice would enable an Amateur Radio licensee to persuade non-Federal authorities of the validity of a license document. Even with these actions, however, there are still considerations of maintaining the integrity of the Amateur Radio examination process. That process has worked very well for many years now, in part as the result of the ability of volunteers to detect fraudulent actions that would subvert the process. This ability stems in part from the requirement of presentation of an original license document at an examination session for upgrade examinations. It is a concern that the authentication of privately printed documents (absent some sort of bar coding or other mechanism such as that used on airline boarding passes) might be more difficult where

something other than a Commission-printed license document on distinctive paper stock is presented to VEs at an examination session.

Therefore, given the foregoing, ARRL, the national association for Amateur Radio, respectfully requests that the Commission modify the notice proposal to the extent that it is applied to the Amateur Radio Service in accordance with these comments, and not otherwise.

Respectfully submitted,

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