

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

In the Matter of	}	
	}	
Petition for Proposed Changes	}	
in 47 CFR Part 97.25 License Term	}	RM-11760
for Amateur Radio	}	
_____	}	

COMMENTS OF NICHOLAS B. PROY

Introduction

I am an Extra Class amateur radio licensee and have been issued the call sign WT3O by the Federal Communications Commission (“Commission”). Additionally, I am a General Mobile Radio Service licensee and have been issued the call sign WQOW530 by the Commission.

I am admitted to practice law in Maryland, Pennsylvania, the United States District Court for the District of Maryland, the United States District Court for the Western District of Pennsylvania, the United States Tax Court and the United States Supreme Court.

The Comments herein are substantially similar to a Petition for Rulemaking that I had filed with the Commission on August 16, 2012, requesting the Commission to extend amateur radio license grants to the lifetime of the licensee (PRM12MB).

## General Radiotelephone Operator Licenses Are Granted for the Licensee's Lifetime

Currently, General Radiotelephone Operator Licenses (“GROL”) are issued for the licensee’s lifetime.<sup>1</sup> The Commission, in promulgating the current § 13.15(b), recognized that license renewals, in certain circumstances, place unnecessary administrative burdens on both the licensee and the Commission:

*The Commission concluded that the renewal process imposed an unnecessary paperwork and filing fee burden, inasmuch as licensees’ continued competency is not in any way assessed upon renewal, and there was no reason to treat those licenses differently from those that already had lifetime terms.*<sup>2</sup>

The license renewal process for amateur radio licensees, which would be identical to GROL license renewal if GROL license renewal was still required, does not re-assess the licensee’s competency or proficiency, as no examinations are required to renew an amateur radio license. The Commission and amateur radio licensees could both benefit from being alleviated of the unnecessary burden of renewing amateur radio licenses every ten years.

## Licensees are Already Required to Maintain a Current Mailing Address

It could be argued that by requiring a license renewal every ten years the Commission will have accurate address data for every licensee. Current Commission regulations already require licensees to maintain a current and valid mailing address.<sup>3</sup> Therefore, licensees

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<sup>1</sup> 47 C.F.R. § 13.15(b), entitled “License Term,” states “General Radiotelephone Operator Licenses, Restricted Radiotelephone Operator Permits, Restricted Radiotelephone Operator Permits-Limited Use, GMDSS Radio Operator's Licenses, Restricted GMDSS Radio Operator's Licenses, GMDSS Radio Maintainer's Licenses, GMDSS Operator/Maintainer Licenses, and Marine Radio Operator Permits are normally valid for the lifetime of the holder.”

<sup>2</sup> WT Docket No. 10-177, FCC 10-154 at 3, citing GMDSS Third Report and Order, 21 FCC Rcd at 10305.

<sup>3</sup> 47 C.F.R. § 97.23, entitled “Mailing Address,” states “Each license grant must show the grantee's correct name and mailing address. The mailing address must be in an area where the amateur service is regulated by the FCC and where the grantee can receive mail delivery by the United States Postal Service. Revocation of the station license or suspension of the operator

already have a duty to maintain a current address regardless of whether or not their license is due for renewal.

### Vanity Call Signs and Cancelling a License Upon Licensee's Death

Some may argue that by granting a lifetime license grant, the vanity call sign system will suffer. The vanity call sign system allows an eligible amateur radio licensee to apply for a new call sign of his or her choosing, as opposed to being issued a sequential call sign systematically by the Commission. Typically, call signs that are shorter are more desirable to amateur radio operators because they are easier to both speak phonetically and easier to send and receive in Morse Code.

The Commission currently allows an individual to cancel the license of a deceased amateur radio operator.<sup>4</sup> If a lifetime license term were to be afforded to amateur radio operators, these vanity call signs would sit in “active” status, where in reality the licensee could be deceased for many years. This, however, would not have any effect on the *availability* of the deceased licensee's call sign because the vanity call sign applicant would

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license may result when correspondence from the FCC is returned as undeliverable because the grantee failed to provide the correct mailing address.”

<sup>4</sup> 47 C.F.R. § 97.31, entitled “Cancellation on Account of the Licensee's Death,” states: “(a) A person may request cancellation of an operator/primary station license grant on account of the licensee's death by submitting a signed request that includes a death certificate, obituary, or Social Security Death Index data that shows the person named in the operator / primary station license grant has died. Such a request may be submitted as a pleading associated with the deceased licensee's license. See section 1.35 of this chapter. In addition, the Commission may cancel an operator / primary station license grant if it becomes aware of the grantee's death through other means. No action will be taken during the last thirty days of the post-expiration grace period (see section 97.21(b) of this chapter) on a request to cancel a license due to the licensee's death.

(b) A license that is canceled due to the licensee's death is cancelled as of the date of the licensee's death.”

still be permitted cancel the deceased licensee's license using established processes and procedures.

I believe the burden should be placed on the vanity call sign applicant to determine whether or not the licensee of the call sign they wish to obtain is living or deceased. After all, the purpose of the vanity call sign system is to allow an individual to choose a call sign of his or her choosing, as opposed to receiving a systematically assigned call sign from the Commission, which would not change. If the previous licensee is deceased, the vanity call sign applicant will be able to cancel the deceased licensee's license by using already established processes and procedures that are already in effect and used today.

Further, the procedure for a family member of a deceased licensee to obtain the call sign of a relative remain unchanged:

*Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, step-parent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with a written statement of consent signed by either the licensee ante mortem but who is now deceased or by at least one relative, as listed above, of the person now deceased, the call sign shown on the license of the person now deceased is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license grant, whichever is sooner. (47 C.F.R. § 97.19(3))*

A lifetime amateur radio license term would not affect these family members because the two-year availability of their decedent relative's call sign would still remain in full force and effect.

## Licensees are Already Afforded Two Years After License Expiration to Renew

Current regulations allow an amateur radio licensee two years after the expiration of their amateur radio license to renew their license at their previous operating class.<sup>5</sup> It is important to note, however, that this very rule also prohibits the licensee from using amateur radio frequencies while their license is expired.

By affording a grace period after license renewal, the Commission recognizes that license renewal is more of an administrative task. Otherwise, the Commission would require an expired license holder to re-take the examinations in order to obtain an amateur radio license immediately after the expiration of his or her license.

### Conclusion

Amateur radio license grant terms, which are currently ten years' in duration, should be extended to the lifetime of the licensee for the reasons stated above.

Respectfully Submitted,  
/s/

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<sup>5</sup> 47 C.F.R. § 97.21(b), entitled "Application for a Modified or Renewed License Grant," states "A person whose amateur station license grant has expired may apply to the FCC for renewal of the license grant for another term during a 2 year filing grace period. The application must be received at the address specified above prior to the end of the grace period. Unless and until the license grant is renewed, no privileges in this Part are conferred."