

**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 for ) RM No. 11760  
Amateur Radio )

To the Commission:

**COMMENTS OF BRIAN S. MCDANIEL, N4AE**

COMES NOW Brian S. McDaniel who, pursuant to Section 1.415 of the Commission’s Rules (47 C.F.R. §1.415), and in response to the *Petition for Rulemaking*, Report No. 3040, released February 22, 2106 (“Petition”), respectfully states as follows:

**License Term for Amateur Radio**

1. The Federal Communications Commission (the Commission) currently grants licenses in the Amateur Radio Service for initial and renewable terms of ten (10) years.<sup>1</sup> Petitioner Mark F. Krontz (Krontz) proposes to change Section 97.25 of the Commission’s Rules to make licenses issued in the Amateur Radio Service non-expiring for the lifetime of the grantee.<sup>2</sup>

**The Amateur License is Both a Station License and an Operator Grant**

2. The Amateur Radio Service license is unique from all other radio services regulated by the Commission as it is both a *station license* and an *operator grant*.<sup>3</sup> The person named in the

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<sup>1</sup> 47 C.F.R. §97.25

<sup>2</sup> Petition at 1

<sup>3</sup> 47 C.F.R. §97.5(b)(1)

operator grant is authorized to be the control operator of an amateur station within the privileges authorized by the operator class specified on the combined grant.<sup>4</sup>

### **The General Radio Operator License is an Operator Grant Only**

3. The Commercial Radio Operators program (Part 13 Rules), by contrast, grants twelve (12) types of commercial radio operator licenses, certificates, and permits to operate, maintain, and repair transmitters authorized under Part 80 and Part 87 of the Commission's rules.<sup>5</sup>
4. The General Radio Operator License (GROL), cited by Krontz in his petition, is a grant under the Part 13 Rules that conveys no station license authority to the grantee.<sup>6</sup> This condition makes GROL by example, and the other Part 13 Rules licenses, by extension, dissimilar from the Amateur Radio Service license and the Commission's intent for each service's license when viewed in historical context of the Maritime Service.
5. We understand why Krontz and other commentators compares the Amateur Radio Service license to GROL, as both license exams cover similar technical theory and closely-related operating rules and practices. However, we believe it is erroneous to conclude that the unexpired term of the GROL is a natural conclusion and outcome for the Amateur Radio Service combined license.

### **Discussion**

6. The only radio service with a similar comingling of station license and operator grant is in the General Mobile Radio Service (GMRS) where each licensee manages a radio *system* consisting of one or more stations.<sup>7</sup> In GMRS, the licensee is responsible for the

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<sup>4</sup> 47 C.F.R. §97.7(a)

<sup>5</sup> 47 C.F.R. §13.5

<sup>6</sup> Petition at 1

<sup>7</sup> 47 C.F.R. §95.1(a)

appointment of a station operator<sup>8</sup>. There is nothing in the GMRS rules prohibiting a GMRS licensee from appointing himself as station operator. Even though self-appointment is a common practice in this service, and perhaps the Commission's intent; a license for a GMRS system is usually issued for a 5-year term and renewable for 5-year terms indefinitely.<sup>9</sup>

7. The GROL operator permit, though, is valid for the lifetime of the holder.<sup>10</sup> We see these two outcomes as being consistent with the intention of the Act towards station licenses and towards the delegation to the Commission on the subject of operator privilege.
8. On the other hand, the current ten (10) year renewal period for Amateur Radio Service combined licenses may be in conflict with the Act as renewal of station licenses "may be granted from time to time for a term of not to exceed eight (8) years from the expiration of the preceding license."<sup>11 12</sup> Because the Commission has combined the station license with the operator grant at Section 97.5(b)(1), we observe that the station license is renewable only when the *operator grant* expires.
9. Even if the Commission were to separate the Amateur Radio Service station license and operator grant and then restore them to their separate status prior to license restructuring in 2000, we see no way to make issuance or renewal a one-time, one-event, lifetime grant. At the very least, the Act appears to require terms no longer than eight (8) years for the station license even if the operator grant became a lifetime franchise.
10. It is for these reasons; we agree with Bradley and disagree with the Krantz.

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<sup>8</sup> 47 C.F.R. §95.103

<sup>9</sup> 47 C.F.R. §95.105

<sup>10</sup> 47 C.F.R. §13.15

<sup>11</sup> 47 U.S.C. §307(c)(1)

<sup>12</sup> Comments of Michelle A. Bradley, KU3N, Retrieved February 26, 2016, Page 1

### Recommendation

11. If the Commission were to make any movement towards reforming license terms, the Commission should align the term of Amateur Radio Service licenses with language in the Communications Act. The Commission should make the combined license term a maximum of eight years (8) rather than the current ten (10) years.
12. We believe that shortening the term would have a direct benefit to the Vanity Call Sign program discussed by other comments to this *Petition* with respect to making the pool of available station call signs larger through faster pool turnover. In the current schema, a station call sign could remain unavailable for reissue for up to twelve (12) years after the death of a licensee.<sup>13</sup> If the license term were shortened to eight (8) years, a station call sign would become available in ten (10) years under the current program rules.

### Conclusion

13. WHEREFORE, the Commenter respectfully prays that the Commission shall enter an Order denying the *Petition* to make license grants in the Amateur Radio Service valid for the lifetime of the grantee, AND that the Commission issues a new *Petition for Rulemaking* to shorten the combined term for licenses in the Amateur Radio Service to eight (8) years.

Respectfully submitted,

/S/  
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<sup>13</sup> This is an example where a licensee dies shortly after the issuance or renewal of a license. The license would remain active for 10 years if the family fails to notify the Commission of the licensee's death. The station call sign would then remain unavailable for 2 more years if no eligible family member were to claim the station call sign under Section 97.19(c)(3)(ii) of the Commission's Rules. It would take 12 years for the station call sign to become available in the Vanity Call Sign program.