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

| | | |
|---|---|---|
| In the Matter of: | ) | |
| | ) | |
| Amending Part 97 of the Commission's Rules | ) | RM-/WT Docket No._____ |
| and Regulations to Simplify and Streamline | ) | |
| Radio Operator Classes and Qualifications. | ) | |

To the Commission:

**PETITION FOR RULEMAKING /**
**INFORMAL REQUEST IN THE NATURE OF A PETITION FOR RULEMAKING**

Comes now the Petitioner undersigned, JAMES EDWIN WHEDBEE, and who pursuant to Sections 1.41 and 1.401 of the Commission's rules and regulations (47 C.F.R. §§ 1.41 and 1.401), hereby respectfully requests, moves, and petitions the Commission to issue a Notice of Proposed Rulemaking (NPRM) amending Part 97 of the Commission's rules and regulations to reduce the number of amateur radio operator classes to Technician, General, and Amateur Extra, to merge into the Technician class all Novice class operators, to merge into the Amateur Extra class all Advanced class operators, to establish the procedures governing such mergers, and for related purposes. To the extent anything herein cannot, in good faith, be deemed as a Petition for Rulemaking, or if due deliberate speed in the adoption of those undertakings recommended herein would be better served, the undersigned further requests the Commission to treat the same as an Informal Request in the Nature of a Petition for Rulemaking and act, sua sponte, thereupon as to the Commission seems just and proper. As good cause therefor, the Petitioner states the following...

1. Petitioner is an Amateur Radio Service licensee, originally granted a Novice

Class operator license under station call letters KA0MLG on or about October 23, 1981, and subsequently modified to the current General Class operator license under station call letters N0ECN; accordingly, the undersigned has standing to make this request/petition.

2. Petitioner has no objection to the Commission treating this Petition as an Informal Request and acting upon same as if upon its own motion if administratively convenient or expeditious. Where the word "Petition" appears herein, it is equivalent to "Request;" where the word "Petitioner" appears herein, it is equivalent to "Requester."

3. Prior hereto, in the Amateur Radio Service, there are the following classes of operator licenses: Novice, Technician, General, Advanced, and Amateur Extra. This petition seeks to eliminate the Novice and Advanced class operator licenses by merging those into the Technician and Amateur Extra class operator licenses, respectively. The further intent of this petition is to accomplish this merger of operator class licenses by rule unless and until the operators seek modification (or renewal) of their licenses on their own. This proposal is reflected in *Appendix "A"* attached hereto and incorporated herein by reference as if fully set out hereinbelow, as a modification of the following service rules for the Amateur Radio Service: §§ 97.9, 97.21(a)(3), 97.119(f), 97.203(a), 97.205(a), 97.301, 97.307(f)(10), 97.313, 97.505, 97.507, and 97.509.

4. Among other reasons, this petition has administrative convenience, reduced administrative costs, and simplification of the rules as its basis.

5. Petitioner is aware that, pending before the Commission, are separate petitions

for rulemaking seeking lifetime operator privileges within the Amateur Radio Service; for symbol rate restriction elimination; and others. If the Commission contemplates granting one or more of those petitions, the undersigned further requests that, if administratively convenient, the service rules for the Amateur Radio Service incorporate a grant of this petition therein or vice versa.

WHEREFORE, the foregoing considered, the undersigned prays for the Commission's Notice of Proposed Rulemaking or similar undertakings adopting the foregoing at its earliest practical date.

Respectfully submitted:

March 24, 2016

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PETITIONER

## APPENDIX 'A' – PROPOSED AMATEUR RADIO SERVICE RULE AMENDMENTS

Petitioner proposes modifying the existing Amateur Radio Service rules and regulations to read as follows...

**§97.9 Operator license grant.**

(a) The classes of amateur operator license grants are: Technician, General, and Amateur Extra. The person named in the operator license grant is authorized to be the control operator of an amateur station with the privileges authorized to the operator class specified on the license grant.

(b) The person named in an operator license grant of Technician or General Class, who has properly submitted to the administering VEs a FCC Form 605 document requesting examination for an operator license grant of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

(c) Existing unexpired Novice Class amateur operator licensees are, by this rule, Technician Class amateur operator licensees, without further action by said licensees. Existing unexpired Advanced Class amateur operator licensees are, by this rule, Amateur Extra Class amateur operator licensees, without further action by said licensees. Reference to the former operator license class refers to the surviving operator license class.

**§97.21 Application for a modified or renewed license grant.**

(a) A person holding a valid amateur station license grant:

(3) May apply to the FCC for renewal of the license grant for another term in accordance with §§1.913 and 1.949 of this chapter. Application for renewal of a Novice or Technician Plus Class operator/primary station license will be processed as an application for renewal of a Technician Class operator/primary station license. Application for renewal of an Advanced Class operator/primary station license will be processed as application for renewal of an Amateur Extra Class operator/primary station license.

**§97.119 Station identification.**

(f) When the control operator is a person who is exercising the rights and privileges authorized by §97.9(b) of this part, an indicator must be included after the call sign as follows:

(1) For a control operator who has requested a license modification from Technician to General Class: AG;

(2) For a control operator who has requested a license modification from Technician or General Class to Amateur Extra Class: AE.

**§97.203 Beacon station.**

(a) Any amateur station may be a space station. A holder of any class operator license may be the control operator of a space station, subject to the privileges of the class of operator license held by the control operator.

**§97.205 Repeater station.**

(a) Any amateur station may be a space station. A holder of any class operator license may be the control

operator of a space station, subject to the privileges of the class of operator license held by the control operator.

**§97.301 Authorized frequency bands.**

The following transmitting frequency bands are available to an amateur station located within 50 km of the Earth's surface, within the specified ITU Region, and outside any area where the amateur service is regulated by any authority other than the FCC.

(a) For a station having a control operator who has been granted a Technician, General, or Amateur Extra Class operator license or who holds a CEPT radio-amateur license or IARP of any class:

(insert chart here with existing subpart (a) privileges)

| Wavelength band | ITU region 1 | ITU region 2 | ITU region 3 | Sharing requirements *see*§ 97.303 (paragraph) |
|---|---|---|---|---|
| **VHF** | **MHz** | **MHz** | **MHz** | |
| 6 m | | 50-54 | 50-54 | (a) |
| 2 m | 144-146 | 144-148 | 144-148 | (a), (k) |
| 1.25 m | | 219-220 | | (l) |
| Do | | 222-225 | | (a) |
| **UHF** | **MHz** | **MHz** | **MHz** | |
| 70 cm | 430-440 | 420-450 | 430-440 | (a), (b), (m) |
| 33 cm | | 902-928 | | (a), (b), (e), (n) |
| 23 cm | 1240-1300 | 1240-1300 | 1240-1300 | (b), (d), (o) |
| 13 cm | 2300-2310 | 2300-2310 | 2300-2310 | (d), (p) |
| Do | 2390-2450 | 2390-2450 | 2390-2450 | (d), (e), (p) |
| **SHF** | **GHz** | **GHz** | **GHz** | |
| 9 cm | | 3.3-3.5 | 3.3-3.5 | (a), (b), (f), (q) |
| 5 cm | 5.650-5.850 | 5.650-5.925 | 5.650-5.850 | (a), (b), (e), (r) |
| 3 cm | 10.0-10.5 | 10.0-10.5 | 10.0-10.5 | (a), (b), (k) |
| 1.2 cm | 24.00-24.25 | 24.00-24.25 | 24.00-24.25 | (b), (d), (e) |
| **EHF** | **GHz** | **GHz** | **GHz** | |
| 6 mm | 47.0-47.2 | 47.0-47.2 | 47.0-47.2 | |
| 4 mm | 76-81 | 76-81 | 76-81 | (c), (f), (s) |
| 2.5 mm | 122.25-123.00 | 122.25-123.00 | 122.25-123.00 | (e), (t) |
| 2 mm | 134-141 | 134-141 | 134-141 | (c), (f) |
| 1 mm | 241-250 | 241-250 | 241-250 | (c), (e), (f) |
| | Above 275 | Above 275 | Above 275 | (f) |

(c) For a station having a control operator who has been granted an operator license of General Class:

(insert chart here with existing subpart (d) privileges)

| Wavelength band | ITU region 1 | ITU region 2 | ITU region 3 | Sharing requirements *see*§ 97.303 (paragraph) |
|---|---|---|---|---|
| MF | kHz | kHz | kHz | |
| 160 m | 1810-1850 | 1800-2000 | 1800-2000 | (a), (c), (g) |
| HF | MHz | MHz | MHz | |
| 80 m | 3.525-3.600 | 3.525-3.600 | 3.525-3.600 | (a) |
| 75 m | | 3.800-4.000 | 3.800-3.900 | (a) |
| 60 m | | See § 97.303(h) | | (h) |
| 40 m | 7.025-7.125 | 7.025-7.125 | 7.025-7.125 | (i) |
| Do | 7.175-7.200 | 7.175-7.300 | 7.175-7.200 | (i) |
| 30 m | 10.100-10.150 | 10.100-10.150 | 10.100-10.150 | (j) |
| 20 m | 14.025-14.150 | 14.025-14.150 | 14.025-14.150 | |
| Do | 14.225-14.350 | 14.225-14.350 | 14.225-14.350 | |
| 17 m | 18.068-18.168 | 18.068-18.168 | 18.068-18.168 | |
| 15 m | 21.025-21.200 | 21.025-21.200 | 21.025-21.200 | |
| Do | 21.275-21.450 | 21.275-21.450 | 21.275-21.450 | |
| 12 m | 24.890-24.990 | 24.890-24.990 | 24.890-24.990 | |
| 10 m | 28.000-29.700 | 28.000-29.700 | 28.000-29.700 | |

(d) For a station having a control operator who has been granted an operator license of Technician Class:

| Wavelength band | ITU region 1 | ITU region 2 | ITU region 3 | Sharing requirements *see*§ 97.303 (paragraph) |
|---|---|---|---|---|
| HF | MHz | MHz | MHz | |
| 80 m | 3.525-3.600 | 3.525-3.600 | 3.525-3.600 | (a) |
| 40 m | 7.025-7.125 | 7.025-7.125 | 7.025-7.125 | (i) |
| 15 m | 21.025-21.200 | 21.025-21.200 | 21.025-21.200 | |
| 10 m | 28.0-28.5 | 28.0-28.5 | 28.0-28.5 | |

**§97.307 Emission standards.**

(a) No amateur station transmission shall occupy more bandwidth than necessary for the information rate and emission type being transmitted, in accordance with good amateur practice.

(b) Emissions resulting from modulation must be confined to the band or segment available to the control operator. Emissions outside the necessary bandwidth must not cause splatter or keyclick interference to operations on adjacent frequencies.

(c) All spurious emissions from a station transmitter must be reduced to the greatest extent practicable. If any spurious emission, including chassis or power line radiation, causes harmful interference to the reception of

another radio station, the licensee of the interfering amateur station is required to take steps to eliminate the interference, in accordance with good engineering practice.

(d) For transmitters installed after January 1, 2003, the mean power of any spurious emission from a station transmitter or external RF power amplifier transmitting on a frequency below 30 MHz must be at least 43 dB below the mean power of the fundamental emission. For transmitters installed on or before January 1, 2003, the mean power of any spurious emission from a station transmitter or external RF power amplifier transmitting on a frequency below 30 MHz must not exceed 50 mW and must be at least 40 dB below the mean power of the fundamental emission. For a transmitter of mean power less than 5 W installed on or before January 1, 2003, the attenuation must be at least 30 dB. A transmitter built before April 15, 1977, or first marketed before January 1, 1978, is exempt from this requirement.

(e) The mean power of any spurious emission from a station transmitter or external RF power amplifier transmitting on a frequency between 30-225 MHz must be at least 60 dB below the mean power of the fundamental. For a transmitter having a mean power of 25 W or less, the mean power of any spurious emission supplied to the antenna transmission line must not exceed 25 μW and must be at least 40 dB below the mean power of the fundamental emission, but need not be reduced below the power of 10 μW. A transmitter built before April 15, 1977, or first marketed before January 1, 1978, is exempt from this requirement.

(f) The following standards and limitations apply to transmissions on the frequencies specified in §97.305(c) of this part.

(1) No angle-modulated emission may have a modulation index greater than 1 at the highest modulation frequency.

(2) No non-phone emission shall exceed the bandwidth of a communications quality phone emission of the same modulation type. The total bandwidth of an independent sideband emission (having B as the first symbol), or a multiplexed image and phone emission, shall not exceed that of a communications quality A3E emission.

(3) Only a RTTY or data emission using a specified digital code listed in §97.309(a) of this part may be transmitted. The symbol rate must not exceed 300 bauds, or for frequency-shift keying, the frequency shift between mark and space must not exceed 1 kHz.

(4) Only a RTTY or data emission using a specified digital code listed in §97.309(a) of this part may be transmitted. The symbol rate must not exceed 1200 bauds, or for frequency-shift keying, the frequency shift between mark and space must not exceed 1 kHz.

(5) A RTTY, data or multiplexed emission using a specified digital code listed in §97.309(a) of this part may be transmitted. The symbol rate must not exceed 19.6 kilobauds. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in §97.309(b) of this part also may be transmitted. The authorized bandwidth is 20 kHz.

(6) A RTTY, data or multiplexed emission using a specified digital code listed in §97.309(a) of this part may be transmitted. The symbol rate must not exceed 56 kilobauds. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in §97.309(b) of this part also may be transmitted. The authorized bandwidth is 100 kHz.

(7) A RTTY, data or multiplexed emission using a specified digital code listed in §97.309(a) of this part or an unspecified digital code under the limitations listed in §97.309(b) of this part may be transmitted.

(8) A RTTY or data emission having designators with A, B, C, D, E, F, G, H, J or R as the first symbol; 1, 2, 7, 9 or X as the second symbol; and D or W as the third symbol is also authorized.

(9) A station having a control operator holding a Technician Class operator license may only transmit a CW emission using the international Morse code.

(10) A station having a control operator holding a Technician Class operator license may only transmit a CW emission using the international Morse code or phone emissions J3E and R3E.

(11) Phone and image emissions may be transmitted only by stations located in ITU Regions 1 and 3, and by stations located within ITU Region 2 that are west of 130° West longitude or south of 20° North latitude.

(12) Emission F8E may be transmitted.

(13) A data emission using an unspecified digital code under the limitations listed in §97.309(b) also may be transmitted. The authorized bandwidth is 100 kHz.

**§97.313 Transmitter power standards.**

(a) An amateur station must use the minimum transmitter power necessary to carry out the desired communications.

(b) No station may transmit with a transmitter power exceeding 1.5 kW PEP.

(c) No station may transmit with a transmitter power output exceeding 200 W PEP:

(1) On the 10.10-10.15 MHz segment;

(2) On the 3.525-3.60 MHz, 7.025-7.125 MHz, 21.025-21.20 MHz, and 28.0-28.5 MHz segment when the control operator is a Technician Class operator; or

(3) The 7.050-7.075 MHz segment when the station is within ITU Regions 1 or 3.

(d) No station may transmit with a transmitter power exceeding 50 W PEP on the UHF 70 cm band from an area specified in paragraph (a) of footnote US270 in §2.106, unless expressly authorized by the FCC after mutual agreement, on a case-by-case basis, between the Regional Director of the applicable field facility and the military area frequency coordinator at the applicable military base. An Earth station or telecommand station, however, may transmit on the 435-438 MHz segment with a maximum of 611 W effective radiated power (1 kW equivalent isotropically radiated power) without the authorization otherwise required. The transmitting antenna elevation angle between the lower half-power (−3 dB relative to the peak or antenna bore sight) point and the horizon must always be greater than 10°.

(e) No station may transmit with a transmitter power exceeding 50 W PEP on the 33 cm band from within 241 km of the boundaries of the White Sands Missile Range. Its boundaries are those portions of Texas and New Mexico bounded on the south by latitude 31°41′ North, on the east by longitude 104°11′ West, on the north by latitude 34°30′ North, and on the west by longitude 107°30′ West.

(f) No station may transmit with a transmitter power exceeding 50 W PEP on the 219-220 MHz segment of the 1.25 m band.

(g) No station may transmit with an effective radiated power (ERP) exceeding 100 W PEP on the 60 m band. For the purpose of computing ERP, the transmitter PEP will be multiplied by the antenna gain relative to a half-wave dipole antenna. A half-wave dipole antenna will be presumed to have a gain of 1 (0 dBd). Licensees using other antennas must maintain in their station records either the antenna manufacturer's data on the antenna gain or calculations of the antenna gain.

(h) No station may transmit with a transmitter output exceeding 10 W PEP when the station is transmitting a SS emission type.

**§97.505 Element credit.**

(a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants:

| Operator class | Unexpired (or within the renewal grace period) | Expired and beyond renewal grace period |
|---|---|---|
| (1) Amateur Extra or Advanced | Elements 3 and 4 | Elements 3 and 4. |
| (2) General or Technician granted before March 21, 1987 | Elements 2 and 3 | Element 3. |
| (3) Novice,Technician Plus or Technician granted on or after March 21, 1987 | Element 2 | No credit. |

(b) The administering VEs must give credit to an examinee holding a CSCE for each element the CSCE indicates the examinee passed within the previous 365 days.

**§97.507 Preparing an examination.**

(a) Each written question set administered to an examinee must be prepared by a VE holding an Amateur Extra Class operator license, except the Technician Class examination, which may be administered by a VE holding a General Class operator license.

(b) Each question set administered to an examinee must utilize questions taken from the applicable question pool.

(c) Each written question set administered to an examinee for an amateur operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC.

**§97.509 Administering VE requirements.**

(a) Each examination for an amateur operator license must be administered by a team of at least 3 VEs at an examination session coordinated by a VEC. The number of examinees at the session may be limited.

(b) Each administering VE must:

(1) Be accredited by the coordinating VEC;

(2) Be at least 18 years of age;

(3) Be a person who holds an amateur operator license of the class specified below:

(i) Amateur Extra or General Class in order to administer a Technician Class operator license examination;

(ii) Amateur Extra Class in order to administer an Amateur Extra Class or General operator license examination.

(4) Not be a person whose grant of an amateur station license or amateur operator license has ever been

revoked or suspended.

(c) Each administering VE must observe the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

(d) No VE may administer an examination to his or her spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, nephews, and in-laws.

(e) No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the grant of the VE's amateur station license and the suspension of the grant of the VE's amateur operator license.

(f) No examination that has been compromised shall be administered to any examinee. The same question set may not be re-administered to the same examinee.

(g) [Reserved]

(h) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. For examinations administered remotely, the administering VEs must grade the examinee's answers at the earliest practical opportunity. The administering VEs are responsible for determining the correctness of the examinee's answers.

(i) When the examinee is credited for all examination elements required for the operator license sought, 3 VEs must certify that the examinee is qualified for the license grant and that the VEs have complied with these administering VE requirements. The certifying VEs are jointly and individually accountable for the proper administration of each examination element reported. The certifying VEs may delegate to other qualified VEs their authority, but not their accountability, to administer individual elements of an examination.

(j) When the examinee does not score a passing grade on an examination element, the administering VEs must return the application document to the examinee and inform the examinee of the grade.

(k) The administering VEs must accommodate an examinee whose physical disabilities require a special examination procedure. The administering VEs may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures must be used.

(l) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(m) After the administration of a successful examination for an amateur operator license, the administering VEs must submit the application document to the coordinating VEC according to the coordinating VEC's instructions.