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September 9, 2002

Office of the Secretary
Federal Communications Commission
445 12th St., SW., TW-A325
Washington, D.C. 20544

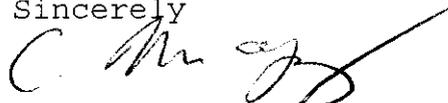
RE: Petition for Rulemaking

Dear Sir or Madam:

Enclosed please find an original and fifteen (15) copies of a Petition for Rulemaking for filing. I would appreciate it if you would kindly return a file stamped copy to me in the enclosed stamped pre-addressed envelope.

Thank you in advance for your kind consideration.

Sincerely



C. Norman Young, Jr.
KA4PUV

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

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In the Matter of

Amendment of Part 97 of the)
Commission's Rules to)
Prohibit Consideration by)
The Commission of More than)
One Application per Vanity)
Call Applicant for a Requested)
Amateur Radio Call Sign)

To: The Commission

Petition for Rulemaking

I. Introduction

Pursuant to 47 C.F.R. § 1.401 and other rules and policies of the Federal Communications Commission, the undersigned Petitioners respectfully request the Commission to modify its rules under Part 97 to prohibit consideration by the Commission of more than one application per vanity call applicant for an available call sign. This will insure that all applicants for that call sign will have a fair and equal chance of being granted the requested call sign.

II. Background

The Omnibus Budget Reconciliation Act of 1993 authorized the Commission to assess and collect a fee for an amateur station vanity call sign. Subsequently, rules

were implemented by the Commission to develop the vanity call sign system. This system was developed and implemented pursuant to three Orders of the Commission, 10 FCC Rcd 1039 (1995), 10 FCC Rcd 11135 (1995), and 11 FCC Rcd 5283 (1996).

47 C.F.R. § 97.3(a)(11) of the Commissions' Rules states that the FCC will issue public announcements detailing the procedures of the vanity call sign system. According to the Commission, these announcements are posted on the Amateur home page and releases sections. At the time of this filing, the announcements from 1998 through May 15, 2002 were available at the Amateur page:

<http://wireless.fcc.gov/services/amateur/releases/>

The current rule governing vanity call signs is codified at 47 C.F.R. §97.19.

III. Why the Commission Should Act

Currently, when an applicant timely applies for a particular vanity call sign, he or she may apply by mail or online and must remit a \$12.00 license fee for each application. In the case of certain highly sought after calls, such as the "W" or "K" 1 x 2 calls, and to a lesser extent, the 2 x 1 calls, there are almost always multiple applicants applying for the same call sign. It is the understanding of Petitioners that in the case of multiple

applicants for the same call, it is Commission policy to select the successful applicant at random from all of the valid applications which were timely submitted and filed. Petitioners further understand that all unsuccessful applicants may request a refund of the \$12.00 fee submitted with each application.

There are now an increasing number of applicants for these more desirable call signs who file multiple applications for the same call in an effort to increase their odds of receiving the desired call. Under current Commission rules and policy, an applicant may file as many applications as he or she wants and will be able to obtain a full refund for all unsuccessful applications. This practice of filing multiple applications is a very successful tactic as evidenced by the following examples.

The first two examples are calls for which an application was filed by Petitioner Edwards as trustee for W4BWC, the club call issued to the Capital Area Repeater Society.

Applications made for Vanity call W4TC

APPLICATION DATE: 07/25/2002

Call	# Applications	
W4MJB	1	
W9TZ	27	WINNER
KR4EA	2	
WA4ATJ	1	
KB4KA	1	

KG4SUP		1
W4BWC	*	1
AE6HG		1
W7R0D		1
N5KOL		20
AK1X		1
W4WN		4
KY4KS		1
KG4OPC		1
TOTAL		63

Applications made for Vanity Call K4OW

Application Date: 07/30/2002

Call	# Applications	
KC4NV	1	
KT4YD	17	WINNER
K4WMA	1	
W4MJB	1	
W4BWC	*	1
AG4HK	1	
TOTAL	22	

Here are two additional examples of how multiple applications by a single applicant affected the chances of others.

Applications made for Vanity Call W5JO

Application Date: 08/09/02

Call	# Applications	
WB9YRO	1	
WE5F	1	
W5JPW	6	WINNER
KE5MP	1	
TOTAL	9	

Applications made for Vanity Call W7NP

Application Date: 08/13/02

Call	# Applications	
KG7V	1	
WU7O	1	
WA7BAY	20	WINNER
N7BEK	1	

W5JPW	6
W7CAN	1
N2NEP	1
TOTAL	31

Finally, here are two examples of calls not yet awarded as of the time of this filing, but which illustrate multiple applications by a single applicant. (Petitioner Edwards has applied for both of these calls as trustee of W4BWC, but only once per call.)

Applications made for Vanity Call W4JV
(Pending Award)

Call	# Applications
W4BWC *	1
AD6JV	1
KU4VS	12
KD4NRQ	1
KN8Y	2
KG4MSE	1
AG4HK	2
KG4JQA	1
AG4QT	2
TOTAL	23

Applications made for Vanity Call K4QT
(Pending Award)

Call	# Applications
KN8Y	2
KG4MSE	1
AG4HK	2
KG4JQA	1
K2QF	20
W4BWC *	1
WN4Q	1
AG4QT	2
KG4SUP	30
AD4HV	1
TOTAL	61

These examples are by no means exhaustive, but they clearly illustrate the problem of multiple applications.

Petitioners wish to state that there is absolutely no animus toward applicants who were successful in obtaining vanity call signs by means of multiple applications, nor is there any suggestion by Petitioners that these applicants acted improperly in any way. The applicants were simply acting within currently established Commission policy.

Nonetheless, Petitioners contend that the practice of allowing multiple applications by a single applicant for a particular call sign has created a "de facto" lottery which favors amateurs who are able to tie up personal funds for the period of time required for the call sign to be awarded, while placing applicants who are not able to do so at a distinct disadvantage. In so doing, this practice comes very close to allowing the purchase of a particular call sign by a more affluent individual who can afford to file multiple applications.

Moreover, allowing numerous multiple applications does not serve the amateur community, the public at large, or the Commission in any way. Neither does it generate any additional revenue since any applicant may immediately apply for a full refund of the license fee, regardless of how many applications were filed. In addition, the refund

process must surely create a significant amount of cost and paperwork for the Commission.

IV. How Petitioners are Directly Affected

Petitioner Edwards is personally affected by this request because, as shown above, he has lost out in vanity call applications to an individual who filed multiple requests on two different occasions. Petitioner Lynch has previously applied for his current call under the vanity system, and Petitioner Young is a licensed amateur radio operator who is eligible to participate in the vanity call program by virtue of his status as a Commission licensee. However, on a broader scale every licensed amateur is affected by the Commission's decision regarding vanity licenses.

V. Request for Rulemaking

Accordingly, Petitioners request that Part 97 of the Commission's rules be amended to allow only one application per vanity call applicant to be considered for each call sign applied for. By dismissing all subsequent applications, the Commission would permit every licensed amateur competing for an available call to have an equal chance of having that call granted.

Petitioners further suggest that this could be accomplished by amending 47 C.F.R. §97.19 to add subsection (d)(5) as follows:

(5) Only one application per applicant for each vanity call sign requested shall be considered by the Commission.

In the alternative, if the Commission believes that it does not need to incorporate this change into a rule, Petitioners request that the Commission modify its current policy for the selection of vanity calls to allow only one application per applicant per call sign to be considered in awarding the vanity call.

Respectfully submitted, this the 9th day of September, 2002.

PETITIONERS

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