

**Before the
Federal Communications Commission
Washington, D' C' 20554**

In the Matter of)
)
Petition of Mr. Dale Reich) Proceeding: RM-10620
Proposing Certain Changes in)
Amateur Radio Service Regulations)

To: The Commission

COMMENTS

Comments bellows are respectfully submitted by Joseph Speroni¹, Amateur Radio licensee, of Honolulu Hawaii (the Commenter).

Petitioner Dale E' Reich (the 'Petitioner') has a proposal in the Petition assigned docket number RM-10620 (the 'Petition') that the Federal Communications Commission (the 'Commission') amend Amateur Radio Regulations (the 'Regulations') by granting, without examination, automatic license upgrades to Technician Class for Novice licensees and Extra Class for Advanced Class licensees who have held their licenses at least twenty years or who have reached age 62' While Petitioner addresses other concerns also, Commenter will limits his to this issue'

¹ Holder of Amateur Radio license AH0A, having been licensed since 1958 and an accredited volunteer examiner under the Commission's volunteer examiner (VE) program'

Petitioner's Novice Class Proposal

Since the Commission restructured the Amateur Service in April 2000, less than three years ago, the number of Novice licensees has dropped from 50,077² to 35,590, a decrease of 30%. The reduction of 14,982 breaks down to a net of 13,589 expirations and 1,394 upgrades. The number of renewals in the same period was 4,030; only 28% of Novices have chosen to upgrade or renew their licenses.

Action to provide Merit upgrades is unlikely to affect this trend. Petitioner has not shown a relationship between Novices not upgrading or renewing their licenses and the difficulty of the 35 question entry level Technician examination. It is unclear what privileges should be accorded to anyone not capable of passing the entry level examination. In reality Petitioner raises the issue of the current entry level question pool being too difficult for the general population, and in particular for the elder population beyond the age of 62. He presents no facts justifying the position, for example VE team passing rates.

Petitioner's proposed process for granting the automatic upgrade is subjective; it recalls Commission rules that once granted code credit to

individuals presenting a physician's statement of their inability to pass the higher speed Morse code requirement. Clearly Petitioner's proposed rules would require a similar process to protect VEC's and VE teams from claims of discrimination in granting "Conditional Merit & Service" credit. The Petition would increase administration costs for the Commission, VEC's and VE teams for no demonstrated benefit to the Amateur Service.

The Commission is considering action on RM-10413 that would extend Novice class HF privileges. Favorable action on RM-10413 will simplify Commission rules, effectively removing any special frequency assignments for the Novice Class license by tying use of these frequencies solely to passing the 5 wpm Morse code examination. The Petition would complicate frequency allocations and increase administration costs.

Petitioner has suggested the upgrade conditional; and some Novice licensees would preferred not be forced to upgrade at time of renewal. Favorable action on the Petition by the Commission would not remove all Novice licensees from the Commission database.

The Commenter recommends denying Petitioner's request for Merit upgrade of Novice Class licensees to Technician Class.

² Statistics developed by monthly downloads of the FCC ULS database

Petitioner's Advanced Class Proposal

Since restructuring, the number of Extra Class licensees has gone from 77,530 to 103,191 - about a 33% increase. This increase in Amateurs using the Extra Class subbands does not indicate a need to increase the number of licensees based on a Merit upgrade. Since restructuring over 25,000 Amateurs have upgraded to Extra Class, despite Petitioner's perceived difficulty of the examination. The rate of upgrades has continued even after the size of the question pool increased to 800+ questions. To grant Extra Class allocations to Advanced Class licensees through a subjective Merit upgrade, at this late date, would raise the ire of many who had already made the effort to pass the Extra Class examination. Baring a compelling reason, the Commission should avoid acting on this proposal.

During the period following restructuring, the number of Amateurs able to use the Advanced Class subbands, (Extra and Advanced licensees), has gone from 179,255 to 187,350, a modest 4% increase. Advanced Class licensees face less of a problem of real congestion as the result of restructuring. The number of Advanced Class licensees has decreased from 101,725 to 84,150,

or about 17% during the same period. Advanced Class expirations average about 185 per month. An extrapolation to April 2010 estimates the number of Advanced Class licensees will drop to 44,000, less than 6% of the total licensed Amateurs. The number of Advanced Class licensees will continue to decrease. Commenter see little justification for addressing their needs, as compared to expanding groups of Extra and General Classes licensees.

General Class licensees have increased from 111,337 to 139,654 since restructuring, a 33% increase. Pending Commission action on RM-10413 is an opportunity to provide General Class licensees with additional allocations that will help alleviate congestion. Rather than address the issue of reducing the number of license classes by granting additional unearned privileges to the decreasing number of Advanced Class licensees, the issue can be addressed in a fairer manner based on frequency allocations to the larger number of licensees.

Pending action on RM-10413 presents the Commission with an opportunity to take action supportive of one of the intents of restructuring -- reducing the number of license classes, while addressing any "imbalances" that have occurred since restructuring. Rather than maintain different phone privileges for Advanced and General Class licensees, as the ARRL has proposed, General Class licensees could be given the same privileges as Advanced Class licensees. If the ARRL proposal were modified in this way, RM-10413 could provide:

On 80 meters (3500-4000 kHz), phone privileges would begin at 3725 kHz for Extra, at 3750 kHz for Advanced and General. That would be an additional 25 kHz for Extra, 25 kHz for Advanced operators and 75 kHz for Generals.

On 40 meters (7000-7300 kHz), phone privileges would begin at 7125 kHz for Extra and at 7150 kHz for Advanced and General. That would be an additional 25 kHz for Extra, no change for Advanced operators and another 75 kHz for Generals.

On 15 meters (21,000-21,450 kHz), phone privileges would begin at 21,200 kHz for Extra, at 21,225 kHz for Advanced and General. That represents no change for Extra and Advanced operators but another 75 kHz for Generals

This would provide all Amateur Radio licensees with increased phone privileges; marginally improve the privileges of Advanced operators and give the expanding General Class licensees a major improvement in allocations. The result would be the immediate reduction of the number of HF license classes.

The Commission Should Reject Petitioner's Proposals

The Commission should reject the Petition. There is no foundation for the changes proposed and they would not accomplish the stated goal of reducing the number of license classes.

Respectfully submitted,

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