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Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
AMENDMENT OF PART 97 OF THE)
COMMISSION'S RULES GOVERNING THE)
AMATEUR RADIO SERVICE TO)
IMPLEMENT CHANGES TO ARTICLE 25)
OF THE INTERNATIONAL RADIO)
REGULATIONS ADOPTED AT THE 2003)
WORLD RADIOCOMMUNICATION)
CONFERENCE)

RM- 10867

Federal Communications Commission
Office of the Secretary

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Federal Communication Commission
Bureau / Office

WTC

To: The Chief, Wireless Telecommunications Bureau

PETITION FOR RULE MAKING

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel and pursuant to Section 1.401 of the Commission's Rules, 47 C.F.R. §1.401, hereby respectfully requests that the Commission issue at an early date a Notice of Proposed Rule Making, proposing changes requested herein in the rules governing the Amateur Radio Service. The rule changes proposed in this Petition would implement changes to the International Radio Regulations adopted at the 2003 World Radiocommunication Conference in Geneva, Switzerland (WRC-03) with regard to qualifications for an Amateur License, and would create an encouraging licensing framework looking forward to the next decade. Specifically, the petition proposes to continue, and conclude the effort commenced by the Commission in WT Docket 98-143¹ to simplify, streamline, and enhance the license structure in the Amateur Radio Service, and to foster the integration of new technologies

¹ See the Report and Order, FCC 99-412, 15 FCC Red 215 (1999), and Errata released April 19, 2000, as modified by Memorandum Opinion and Order FCC 01-108 released April 6, 2001.

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¹ See, the *Report and Order*, FCC 99-412, 15 FCC Rcd. 315 (1999), and *Errata* released April 19, 2000; *Affirmed as modified by Memorandum Opinion and Order*, FCC 01-108, released April 6, 2001.

into daily Amateur Radio operation. ARRL proposes to create a new entry-level Amateur Radio license that would include high-frequency telephony privileges without requiring a Morse code test. This Petition also proposes the consolidation of all current licensees into three license classes, retaining the Element 1 Morse telegraphy requirement only for the Amateur Extra Class. For its Petition for Rule Making, ARRL states as follows:

I. Background and Introduction

1. The Amateur Radio Service, by virtue of the fact that it is an internationally regulated radio service, must be governed by individual administrations in accordance with fundamental rules and regulations for stations and operators. Since 1917, the United States has revised its licensing requirements in the Amateur Service numerous times. In 1991, the requirement for demonstration of proficiency in Morse telegraphy, in order to entitle the licensee to operating privileges *above 30 MHz*, was eliminated. Subsequently, in early 2000, in WT Docket 98-143, the Morse requirement to obtain an Amateur license for operating privileges below 30 MHz was reduced to 5 words per minute (WPM) for all license classes. However, there has not been a comprehensive restructuring of both licensing requirements *and* corresponding operating privileges in many years. The two types of regulatory changes have, in recent years, been addressed separately.

2. On July 4, 2003, WRC-03 ended, and on the following day the new international regulations governing the Amateur and Amateur-Satellite Services, Article 25 of the Radio Regulations as adopted by the Conference, took effect. Article 25 was comprehensively revised. The previous language and provisions were, in many cases, legacy provisions that were no longer relevant in modern telecommunication regulation.

The old requirement that radio amateurs use “plain language” (an obsolete reference); that communications be limited to messages “relating to experiments”; and that communications be limited to remarks “for which, by reason of their lack of importance, the use of the public telecommunications service is not justified” are examples of the extent to which the old regulations were in need of updating. The timeliness of the now-completed comprehensive review of Article 25 was apparent.

3. The new Article 25 regulations form the fundamental basis for the necessarily more detailed domestic regulation of the Amateur and Amateur-Satellite Services by the Commission. The successful policy of the International Amateur Radio Union (IARU), the association of national Amateur Radio societies worldwide, in representing Amateur Radio at WRC-03, was to simplify the Radio Regulations with respect to the Amateur Radio Services. The effort was to remove regulations which were no longer necessary, or which were redundant because the subject matter was addressed elsewhere in the Radio Regulations; to update the regulations to reflect the operating techniques, technologies and standards of modern Amateur Radio communications; and to add provisions that encouraged emergency communications and international recognition of Amateur Radio licenses.

4. The former Article 25 international regulation dealing with telegraphy requirements in the Radio Regulations reads as follows:

Any person seeking a license to operate the apparatus of an amateur station shall prove that he is able to send correctly by hand and to receive correctly by ear texts in Morse code signals. The administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 30 MHz.

That provision was replaced by a provision giving each administration the right to decide whether or not Morse telegraphy should remain a required qualification, and if so, what the specific licensing requirements should be. It now reads as follows:

25.5 §3 1) Administrations shall determine whether or not a person seeking a license to operate an amateur station shall demonstrate the ability to send and receive texts in Morse code signals.

Given this change, Morse telegraphy as a licensing component is now an issue entirely within the purview of individual administrations.

5. The foregoing is not the only provision dealing with Amateur licensing, however. The previous Radio Regulation provision with respect to licensing provided that administrations shall take such measures as they judge necessary to verify the operational and technical qualifications of any person wishing to operate the apparatus of an Amateur station. This was replaced by a provision which contained specific guidelines for administrations:

25.6 2) Administrations shall verify the operational and technical qualifications of any person wishing to operate an amateur station. Guidance for standards of competence may be found in the most recent version of Recommendation ITU-R M.1544.

Recommendation M.1544 is deliberately general, and does not purport to establish a syllabus for Amateur Radio licensing examinations. It provides, for example, that any person seeking a license to operate an Amateur station should demonstrate a “theoretical knowledge of: Radio Regulations, international and domestic”, and under the heading “Radio system theory”, knowledge should be demonstrated regarding “transmitters, receivers, antennas and propagation and measurements.” The Recommendation does not suggest any requirement for a Morse proficiency showing, consistent with the decision of

the Conference at WRC-03. It generally comports with the IARU's position that the Radio Regulations should offer guidance as to the qualifications generally appropriate for an Amateur license, but should not attempt to establish a syllabus, given the diversity in administrations worldwide and the widely differing licensing environments.

Nevertheless, the identification of a standard, the topics about which knowledge is required, reflects one of the essential elements of the Amateur Service, which is that an Amateur is a person who has demonstrated an operational and technical qualification, distinguishing that person from many, if not all other users of radio spectrum.

6. There are numerous revised provisions in the newly adopted Article 25 in addition to those discussed hereinabove, few of which require domestic regulatory implementation in the United States presently.² However, the Article 25 provisions cited above are directly relevant to the Commission's effort, commenced in WT Docket 98-143, to update and streamline the licensing requirements in the Amateur Service. They provide an opportunity to complete the task commenced in that docket proceeding six years ago: an opportunity which was lacking at the time due to the more restrictive pre-WRC-03 Article 25 telegraphy requirement.

7. Docket 98-143 was not specifically a license restructuring proceeding. It was, rather, in the nature of a "Biennial Review" of Amateur Service regulations. Though biennial review proceedings are not statutorily required³ in the Amateur Service, the Commission found it convenient and timely to commence a review of its Part 97 regulations at the same time as it evaluated other radio service rule parts in the execution of its biennial review obligation. In the Notice of Proposed Rule Making in that

² ARRL will, in due course, submit a Petition for Rule Making addressing the remainder of the Article 25 changes from WRC-03 that should be reflected in modified domestic Part 97 regulations.

³ Section 11 of the Communications Act of 1934, 47 U.S.C. §161.

proceeding, the Commission stated that its general intent was to determine which regulations could be streamlined or eliminated,⁴ not to undertake a comprehensive review of licensing requirements and operating privileges. Nevertheless, the proceeding did substantially revise certain licensing issues. Principal among these was the stated intention to reduce the number of license classes for which new licenses would be issued from six to three. The Commission also decided to reduce the number of required telegraphy elements from three to one; reduce the number of written examination elements from five to three; and other miscellaneous changes. The Docket 98-143 proceeding was intended to simplify the license structure and streamline the licensing processes. *Report and Order*, at ¶8. It was not, however, intended to, and did not, address operating privileges. The Commission specifically withheld that task for a later date. Nor did it examine the nature of the entry level license class, or the extent to which that license class encouraged or discouraged further progress in technical self-training and integration of newcomers into higher license classes and in use of new technologies. It did eliminate the issuance of new Novice class licenses, on the theory that the Technician Class license was the preferred entry-level license class. How effective the Technician Class license was at encouraging newcomers, retaining them, and encouraging further development in Amateur Radio, however, was not a subject for that proceeding. Nor has it been examined since that time.

8. The Commission was unable at the time of the Docket 98-143 proceeding, in fact, to undertake a more comprehensive review of license restructuring relative to operating privileges, because its authority to do so was still limited by the Morse telegraphy requirement in the Radio Regulations. The Commission stated that it

⁴ *Notice of Proposed Rule Making*, FCC 98-183, 13 FCC Rcd. 15798, released August 10, 1998, at 15799

continued to believe that there should be a structure of license classes sufficient to encourage Amateur Radio operators to advance their skills in meaningful ways, *Report and Order*, at ¶11, and that three license classes was the appropriate number to do that while at the same time streamlining and simplifying the Amateur Service licensing system.

9. ARRL supported the Commission's effort in that proceeding, but asked that the Commission undertake simplification of the license structure only as part of a comprehensive review of both the licensing process and operating privileges. ARRL also asked that the Commission not create legacy, "orphan" license classes in the course of an effort to reduce the overall number of license classes, but rather to merge present Novice and Technician Plus class licensees into the surviving General Class, and to merge the Advanced Class licensees into the surviving Extra Class. The Commission adopted neither suggestion. Nevertheless, the Commission issued an invitation to the Amateur community to complete the process begun in Docket 98-143:

We disagree with the ARRL, however, that simplification of the license structure only should be undertaken as part of a comprehensive restructure of the licensing process and operating privileges (footnote omitted). We believe that in light of ongoing discussions concerning implementation of new and more modern communications technologies within the amateur service community, we should accord the amateur service community an opportunity to complete such discussions and possibly reach a consensus regarding implementation of new technologies before we undertake a comprehensive restructuring of the amateur service operating privileges and frequencies... We also did not propose to change the name of any current operator license class or create additional permits such as a "Basic Amateur Permit" (footnote omitted) because such changes would result in our expending considerable resources modifying the amateur service database, issuing new license documents, and/or reprinting scores of licenses; a result which is counter to the goals of this proceeding.

Id., at ¶17.

Thus, the Commission deferred the more substantive evaluation of license restructuring and operating privileges to a later date. In view of the opportunity now provided by the modification of Article 25 of the Radio Regulations, and given the experience of the Amateur community over the past four years with the changes made in Docket 98-143, ARRL submits that it is timely to complete the task commenced in that proceeding, and to create a licensing environment which encourages entry-level licensees to progress, and which fosters use and development of modern communications technologies.

II. Morse Telegraphy Is But One Aspect Of Necessary License And Operating Privilege Restructuring

10. Immediately after the July 5, 2003 effective date of the changes in Article 25 of the Radio Regulations, there was filed, predictably, a series of petitions for rule making, some favoring retention of the Morse telegraphy requirement in domestic Amateur licensing, and some favoring elimination of that requirement.⁵ ARRL suggests that consideration of Morse telegraphy and nothing more in the course of evaluation of license structure would be insufficient and short-sighted. The promotion of education, technical self-training, and advancement of interest in Amateur Radio technology requires consideration of other, interrelated issues at the same time. It is not sufficient to merely eliminate or retain Morse telegraphy as a licensing requirement, as there are other issues that, looking forward for the next ten or fifteen years, require consideration. There are three primary concerns now. These are: (1) the fact that the only current entry-level license class, the Technician class, because it offers operating privileges principally limited to the VHF bands and above, leaves newcomers to the Amateur Service in an

⁵ See, e.g. RM-10781 through 10787 and RM-10805 through 10811, placed on public notice August 29, 2003 and October 8, 2003 respectively

isolated position of conducting only local, rather than worldwide, communications, and thus provides very little encouragement to progress and develop technical and operating skills; (2) the fact that the entry level Technician Class license examination is (of necessity) overly comprehensive in its subject matter,⁶ and is therefore a deterrent to newcomers and inadequate as an entry-level license class; and (3) although the Commission has determined that three license classes is the proper number, that was not achieved in Docket 98-143. There remain officially six license classes at the present time, and there will be all six for the indefinite future, as the Novice and Advanced Class licenses are renewable, and the Technician Plus class is retained with different privileges from the Technician Class. Each of the above issues can and should be dealt with domestically, now that Article 25 of the Radio Regulations has been revised, and now that there is some experience with the rules adopted in WT Docket 98-143, and with the shortcomings of the current Technician Class license as an entry-level license class.

11. Those who advocate the elimination of the Element 1 examination requirement and nothing more may argue that theirs is a "simple" plan which could be implemented without much regulatory fanfare. That argument, however, misses the point. In fact, merely eliminating the Element 1 requirement leaves legacy license classes and unnecessary remnants of the old, 6-class license structure before the Docket 98-143 proceeding. It also fails to address the significant problem perceived by ARRL: that the Technician Class license is, for too many, a "dead end" to what might otherwise be an

⁶ This is not to suggest that the examination is overly difficult. However, a look at the test preparation materials for Technician class licensees reveals that the examination is overbroad in terms of the subject matter on which an entry-level examination candidate must be prepared to be examined, and hence the Technician license is inadequate as an entry-level license class. A recent survey commissioned by ARRL reveals that a large proportion of recent licensees feel that the examinations were not relevant to their Amateur Radio operations.

active, progressive interest in Amateur Radio, technical self-training, and incentive-based educational progress in the many facets of the avocation. ARRL has developed a comprehensive licensing plan which both simplifies the license structure, as the Commission intended to do in Docket 98-143, and which also makes Amateur Radio more relevant to newcomers and better preserves the incentive upgrade system. It does this by creating a true entry-level license class which at once requires a reasonable volume of material on which a candidate is examined, and which offers sufficient operating privileges as to expose the entry-level Amateur to a wider variety of the facets of the avocation than is available to current Technician Class licensees. It creates a balance between these two seemingly conflicting goals. Once implemented, the following licensing plan will prove far simpler than the present scheme, as well as one more consistent with the Commission's goals and objectives for the Amateur Service. Finally, the proposal establishes for this entry-level license class a portfolio of operating privileges which are consistent with an examination that would not include material that is inappropriate or irrelevant at the entry level.

12. ARRL filed on March 22, 2002, a Petition for Rule Making, RM-10413, seeking to "refarm" the High Frequency (HF) band segments set aside for Novice and Technician Plus class licensees. That petition has not yet been acted upon by the Commission, though it is ARRL's understanding that the Petition will be consolidated with other petitions pending in the Wireless Bureau dealing with Part 97 rule changes, and a Notice of Proposed Rule Making will issue at some time in the near future. ARRL encourages the Commission to move forward with that "refarming" petition. It was and is premised on the fact that the Novice/Technician Plus subbands are underutilized and

should be redistributed in a manner that alleviates overcrowding in the remainder of the HF bands. Nothing in this instant Petition would supersede or render impractical any portion of the RM-10413 Petition, except to the extent that this Petition proposes consolidation of certain legacy license classes, which would change the proposed appendix in RM-10413. The Appendix attached to this Petition assumes the adoption of the ARRL's proposal in RM-10413, and incorporates the "refarming" which we hope will occur in that proceeding.

13. The timeliness of the issues cited above makes it apparent that merely eliminating the Element 1 telegraphy requirement from the Amateur license examinations is an insufficient response to the implementation of Article 25 domestically, and an insufficient response to the current status of Amateur Radio growth and the progress of individual licensees. ARRL has conducted an extensive review of the licensing and operating privileges available to licensees and candidates for Amateur licenses, and has found that it falls short in several important respects. ARRL offers the following as a new format for Amateur licensing looking forward for the next ten to fifteen years. ARRL has incorporated faithfully in this plan the Commission's stated philosophies in the Docket 98-143 proceeding, and it is believed that the plan is entirely consistent with the Commission's goals: (1) to streamline the licensing process;⁷ (2) to provide licensing rules and operating privileges that allow radio amateurs to continue their tradition of contributing to the advancement of the radio art;⁸ (3) to implement licensing requirements and operating privileges that are harmonious, to the extent that the licensing requirements pertain to the privileges the operator license authorizes and which constitute

⁷ *Report and Order*, at ¶2

⁸ *Id.*, at ¶25.

the minimum requirements necessary to demonstrate that the control operator of a station can ensure the proper operation of that station;⁹ and finally, (4) to attract and retain technically inclined persons, particularly the youth of our country, and encourage them to learn and to prepare themselves in areas where the United States needs expertise.¹⁰

14. Part of the Commission's challenge to the Amateur community in Docket 98-143 was to develop a cooperative proposal to facilitate new technologies in the Amateur Service. The instant petition is a critical component of that plan. However, there is another proposal which also contributes to satisfying the same goal. ARRL is developing now and will be tendering to the Commission in the next few months a Petition for Rule Making to provide for the regulation of Amateur emissions by bandwidth rather than by operating mode. The objective is to facilitate the use of new technologies in Amateur allocations, and to eliminate unnecessary interpretive issues or unintended overregulation regarding the permissibility of new technologies, which delays or precludes their implementation.

III. ARRL's Licensing Plan

15. As the Commission has previously acknowledged, in Docket 98-143 and previously, the issues of telegraphy requirements specifically, and regulatory requirements generally, raise strongly-held opinions and emotional debates among radio amateurs. Focusing on the Morse telegraphy requirement is, however, counterproductive. A broader view is called for, given the opportunity created by elimination of the international requirement for Morse telegraphy proficiency. Now, the issue is not merely whether there should or should not be Morse telegraphy as an examination requirement,

⁹ *Id.*, at ¶26.

¹⁰ *Id.*, at ¶30

but rather what is the best overall approach for positioning the Amateur Service for future growth, and incentive-based self-training. What licensing structure creates incentives to become a radio amateur and to continue technical self-training once licensed? The last substantial increase in the number of new radio amateurs occurred at the time of the creation of the Technician Class license without a Morse telegraphy requirement. This provided something of an entry-level opportunity for people to obtain a first-time license, but as it has turned out, the operating privileges that accompanied the license class isolated them from their peers as a practical matter. It relegated them to communications within local geographic areas and they became largely segregated into Amateur Radio clubs and groups oriented toward FM repeater communications. The Technician Class license offers little opportunity to experience other facets of Amateur Radio, or to conduct worldwide communications. This leads to disinterest, and to the failure to upgrade one's license class, and it focuses the mindset of licensees on local communications. Amateur Radio is a national and worldwide network of licensees who have historically interacted and formed worldwide fraternities without local boundaries. Increased HF operating privileges at the entry level are necessary to address this and to broaden the scope of experience of the entry-level licensee; to allow that licensee to become part of the whole of the Amateur Radio community; and to encourage technical experimentation and self-training.

16. The entry-level license should ensure that the potential licensee knows basic Commission rules, basic safety and electronics, and something about basic operating procedures. The entry-level license should offer only limited operating privileges: enough for the licensee to experience many facets of Amateur Radio, including nationwide and

worldwide communications, but not so comprehensive a portfolio that the range of topics on which the entry-level examination candidate must be examined becomes so extensive and cumbersome that the license examination becomes daunting. The Technician Class license today meets neither criterion. ARRL urges that a reconfiguration of the entry-level license is timely and compelling.

17. It is absolutely necessary to eliminate the legacy license classes left over after the Docket 98-143 proceeding. ARRL had proposed in that proceeding that the Commission, in eliminating the Novice license class, merge existing Novice class licensees into the General Class. Several of those filing comments suggested that the Advanced Class licensees be merged into the Amateur Extra Class, on the theory that the Advanced Class license was at least as comprehensive as the Extra Class examination, and because there was no longer any distinction between the two in terms of Morse telegraphy proficiency requirements. The Commission's explanation for its refusal to do this one-time modification was not at all persuasive:

We are not adopting the ARRL suggestion that we automatically upgrade Novice and Technician Plus Class licensees to the General Class (footnote omitted) or the suggestion of others that we automatically upgrade Advanced Class licenses to the Amateur Extra Class operator license (footnote omitted). We note that the privileges of a General Class licensee in the MF and HF bands are significantly different than a Novice Class licensee (footnote omitted). We also note that grandfathering Novice and Advanced Class licensees is consistent with both the ARRL's overall request that no change in the license structure be made that would reduce the privileges of any existing licensee (footnote omitted) and other commenter's requests that licensees not receive any additional privileges without passing the required examination elements. We believe that both of these concerns are reasonable and that they are satisfied by grandfathering licensees.

Report and Order, at ¶15

The largest problem with this argument is that grandfathering of licensees in license classes no longer issued failed to accomplish the Commission's goal of streamlining the license classes. Existing licensees have remained and will indefinitely remain Novice or Advanced class licensees, perhaps for a lifetime. The license classes will thus continue to exist for potentially many years, making Part 97 of the Commission's Rules unnecessarily complex. Grandfathering failed to achieve a three-tiered license system. Surely enough, ARRL firmly believes that no licensee should lose privileges in the aggregate in any license restructuring process, but grandfathering is not the only means by which that can be avoided. Looking at the proposed upward-merger of Advanced Class licensees into the Extra Class as an example, the Commission, while refusing to do that, at the same time specifically stated as follows:

We observe that the primary difference between the Advanced Class operator license and the Amateur Extra Class operator license is not the difficulty of the Amateur Extra Class written examination but, rather, the 20 wpm telegraphy examination which, as we explain below, we are eliminating as a requirement to obtain the Amateur Extra Class operator license. We also agree with NCVEC that the difference in authorized frequency privileges between the Advanced Class operator license and the Amateur Extra Class operator license is minimal and does not alone warrant maintaining two separate license classes in the future (footnote omitted).

Id., at ¶14

The foregoing clearly supports upward-merging the Advanced Class license into the Amateur Extra Class license. There is another strong argument for this action. Except for those who received waivers premised on medical disabilities, every Advanced Class licensee has passed a 13 word-per-minute telegraphy examination, whereas the Extra Class license has been available for nearly four years with only a 5 word-per-minute telegraphy examination requirement. The differences between the license classes are so

minimal as to amply justify the one-time upward merger suggested herein. Merging the two license classes is a part of the ARRL's license plan set forth below. The benefit of such a one-time upward merger in the context of this restructuring plan is that it eliminates remnants of prior licensing schemes no longer relevant, and allows the new, simplified system to be implemented immediately, while taking nothing away from existing licensees. By contrast, the current system, whereby licensees in deleted license class categories are grandfathered, maintains those license classes indefinitely, and in the case of the Technician Plus class, the Commission's database no longer segregates those licensees from other Technician Class licensees, effectively precluding any ability to determine which licensees are Technician Plus licensees, and therefore who has what operating privileges.¹¹

18. The ARRL's proposal identifies three classes of license, similar to the current three active classes. These would be called Novice,¹² General, & Amateur Extra. The current dormant classes (Novice & Advanced), as well as Technician and Technician Plus, would be merged into the new structure. Operating privileges would remain the same for two of the license classes (except as they would be modified by RM-10413, discussed above) and no currently licensed radio amateur would, in the aggregate, lose

¹¹ In a *Memorandum Opinion and Order* in Docket 98-143 adopted March 27, 2001, the Commission noted that its current Universal Licensing System software was modified to display a "P" (for Plus) in the field that indicates former license class when a Technician Plus class license is renewed. FCC stated "This capability results in the amateur service database being able to provide a *de facto* Technician Plus licensee database." The FCC did not address how its database would distinguish current Technician licensees who subsequently earn Morse code (Element 1) credit. Those licensees have only a *Certificate of Completion of Examination (CSCE)*, which will never be reflected in the database, even upon license renewal--and, in fact, identification of Technician licensees who now have additional HF operating authorization by passing a Morse code examination has not been possible through anything other than viewing hard copy documents possessed by the licensee.

¹² ARRL does not necessarily believe that the term "Novice" is properly descriptive of the new entry-level license class, and is receptive to a more appropriate term. However, the Novice class license remains in the FCC's ULS database, and it was believed that retaining the term might be simple administratively and would not necessitate significant software changes.

operating privileges or be subject to significant additional regulatory limitations. Current Novice, Technician Plus, General and Advanced Class licensees would receive lifetime credit for Element 1 (5 WPM Morse telegraphy). An outline of the three license classes and a summary of their corresponding operating privileges follow:

Amateur Extra Class

- Morse telegraphy requirement remains at 5 WPM
- Written examination remains the same
- Operating privileges remain the same (except as modified by the proposal set forth in RM-10413)
- 1500 W power limit – on all bands (except as otherwise provided in the current Rules)
- All current and unexpired Advanced Class licensees will be merged into the Amateur Extra Class

General Class

- Morse telegraphy requirement is eliminated
- Written examination remains the same
- Operating privileges remain the same (except as modified by the proposal set forth in RM-10413)
- 1500 W power limit – on all bands (except as otherwise provided in the current Rules)
- Current Technician and Technician Plus licensees are merged into General Class

Novice Class¹³

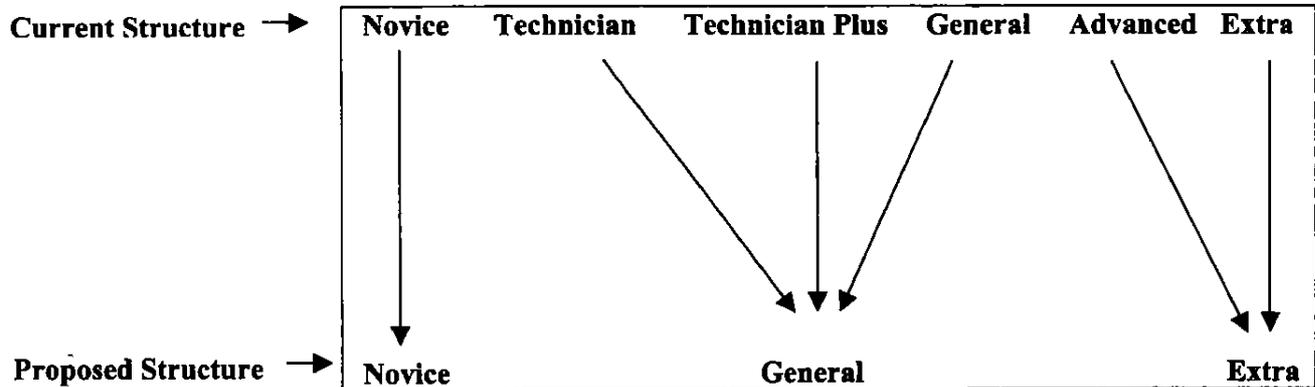
- No Morse telegraphy requirement
- 25 question written examination
- HF Operating privileges – telegraphy and data
 - 3.55 – 3.7 MHz 100 Watts
 - 7.05 – 7.125 MHz 100 Watts
 - 21.05 – 21.20 MHz 100 Watts
 - 28.05 – 28.3 MHz 50 Watts
- HF Operating Privileges – Phone/Image
 - 3.9 – 4.0 MHz 100 Watts
 - 7.2 – 7.3 MHz 100 Watts
 - 21.35 – 21.45 MHz 100 Watts
 - 28.3 – 28.5 MHz 50 Watts

¹³ Novice Class licensees would have no access to the 160, 60, 30, 20, 17, or 12-meter bands. There is no change proposed in the General or Amateur Extra Class license privileges in those bands

- VHF Operating Privileges
 - 50.0-54.0, 144-148, 222-225, and 430-450 MHz 50 Watts – All modes
 - No Automatically controlled stations
 - Licensees cannot be the Control Operator of Beacon or Repeater stations
 - No Remote-Control Space Station Operation (locally controlled operation from Space would be permitted)

19. This structure provides a true, entry- level license with HF and other operating privileges which will both promote growth in the Amateur Service and integrate newcomers in the mainstream of Amateur Radio. It will better introduce newcomers to more seasoned licensees who will assist them. It is a plan which is simple to implement because it conforms to the current fields in the ULS structure maintained by the Commission's Gettysburg office, and it should not necessitate any substantial software modifications. The reduced power levels and the portfolio of operating privileges for the Novice class license will permit a smaller, less daunting question pool content more in line with the previous Novice Class license, but without the Morse telegraphy requirement, which was a principal deterrent to the old Novice license. Figure 1 below is a flow chart depicting the proposed merger of certain existing licensees into the new proposed structure. Existing Novice class licensees would remain Novice class licensees and would enjoy the additional privileges of the new Novice class license.

Figure 1



20. The above plan does not propose the one-time merger of old Novice Class licensees into the General Class, as ARRL had urged in Docket 98-143. It does, rather, propose the merger of all Technician licensees into the General Class, and the merger of all Advanced Class licensees into the Extra Class license. ARRL believes that this is not only necessary in order to achieve the three-class licensing structure that the Commission sought to implement in Docket 98-143, it also is an extremely natural progression. The only substantial difference between Technician and General Class license examinations was the Morse telegraphy requirement; the written examinations are similar, and the elimination of the Morse telegraphy requirement for the General Class license proposed herein would make the upward merger a natural and minor step. ARRL would propose that the Commission merely change the designations in the database, without more until license renewal or modification time, when a new license document reflecting the merged license class could be issued. If a licensee wanted a printed license right away reflecting the new, merged license class, he or she could file a modification application on Form

605 through the VECs in the normal course, and a new license document could be issued in that manner.

21. The proposed Novice class license would require only a 25-question examination. It would follow the general guidelines of Recommendation ITU-R M.1544, and would be the only new examination question pool that the Volunteer Examiner Coordinators would have to prepare.¹⁴ The General and Extra Class question pools would remain the same as they are currently, updated only as necessary to reflect the new rules adopted pursuant to the above plan.

22. The Morse telegraphy examination requirement would exist only for the Extra Class license. ARRL is of the view that the Extra Class license is quite successful in its current form, and that it represents the demonstration of the highest level of achievement in Amateur Radio. A demonstration of capability in Morse telegraphy is an element of communications operating skill that should be included in the portfolio of operating skills demonstrated by the most accomplished radio amateurs. ARRL is in agreement with the Commission's finding in Docket 98-143 (and ARRL itself stated in that proceeding) that there has historically been an overemphasis on Morse telegraphy as an examination requirement, and that, as the Commission put it, "an individual's ability to demonstrate increased Morse code proficiency is not necessarily indicative of that individual's ability to contribute to the advancement of the radio art."¹⁵ However, a 5 wpm Morse requirement is an extremely minimal obligation, reflecting a rudimentary ability to utilize Morse telegraphy, and ARRL believes it an appropriate one for the Amateur Extra Class

¹⁴ This would not require the creation of an all-new question pool, because a significant number of the questions in the Novice question pool could be taken from the present. 500-question Technician Class examination pool and would therefore, in essence be a subset of that question pool.

¹⁵ *Report and Order*, at ¶25

license only. The Amateur Extra Class license has traditionally focused on specialized operating techniques, and has included questions on, for example, Amateur television and data communications. This is the proper focus of that highest license class. It should also include a minimal demonstration of Morse telegraphy, which remains a useful, often-used, and extremely popular means of domestic and international Amateur Radio communications. ARRL expressed concern in Docket 98-143 that telegraphy should not be overemphasized to the exclusion of other operating modes in the examination system. The instant proposal, in ARRL's view, places Morse telegraphy requirements in a proper, *balanced perspective*.

IV. Conclusions

23. ARRL is confident that the Commission supports and understands the immense value of the Amateur Service to the people of the United States. Amateur Radio operators are models of volunteerism; they self-regulate; they self-train; they largely self-administer; they assist the public in times of emergency; and they contribute heartily to the development of new and updated telecommunications systems. They require so little of the Commission's resources and contribute so much, that the Commission should be as responsive as possible to the very few regulatory needs of the Service. The Amateur Service requires some assistance now in addressing some very specific issues affecting future growth of the service and improvements that will increase the value of the Service to the public. The Commission commenced in 1998, but it did not complete, a license restructuring proceeding which was, as intended, a means of streamlining and updating the licensing system. The project could not be completed because of the needed changes

in the international Radio Regulations. The Commission did what it could at the time, and there have been some positive results from the Docket 98-143 proceeding.

24. However, what was left undone when the Commission stopped issuing new Novice and Advanced Class licenses, and merged the Technician and Technician-Plus classes of license in the database, was that existing licensees in those remnant license classes were allowed to retain them for an indeterminate period. There was not, therefore, any reduction in the number of license classes at all, nor was there any simplification of the rules, which continued to make provision for those legacy license classes, and there will not be any change unless the Commission takes the necessary further step of merging the Technician Class licenses into the General Class, and the Advanced Class licensees into the Extra Class.

25. As well, in eliminating new Novice class licenses, the Commission expressed satisfaction with the Technician Class license as the only entry level license class. Indeed, it has proven over time, relative to the Novice class license, a popular entry-level license. ARRL has noted, however, that Technician Class licensees tend not to upgrade their license class; they tend not to proceed further in Amateur Radio; and they tend not to become involved with or integrated into, Amateur Radio activities. The reason for this, ARRL believes, is that their operating privileges at VHF and above tend to limit their exposure to Amateur Radio to local communications, rather than to the worldwide Amateur Radio Community. No class of Amateur licensee need be so segregated any longer. Finally, because of the complexity and overinclusiveness of the Technician Class written examination, it is not any longer the proper vehicle for newcomers to the Service. A less complex entry-level license class is called for, which will at once offer HF

operating privileges and a reasonable sample of other operating techniques, and an examination which satisfies the Commission's goal of examination requirements which "pertain to the privileges the operator license authorizes and ...[which] constitute the minimum requirements necessary to demonstrate that the control operator of a station can ensure the proper operation of that station." *Report and Order*, at ¶26.

26. The overemphasis on Morse telegraphy as an examination requirement for licensing in the Amateur Service need not continue due to the Article 25 changes at WRC-03. However, there is a continued place for a minimal showing of Morse proficiency in the Amateur Extra Class license, which is intended to be, and is, focused on advanced and specialized operating techniques, and represents the highest level of competence in Amateur Radio knowledge and operating skill. A minimal demonstration of telegraphy is uniquely suited to this license class only. ARRL urges the Commission, however, not to consider Morse telegraphy requirements separately from consideration of the entirety of the instant licensing proposal. Changes in Morse telegraphy are one aspect of the proposal and it would be insufficient for the Commission to address those issues in a vacuum. The instant licensing proposal is a plan for the next decade, and is intended to encourage newcomers to the Amateur Service and to encourage those who enter its ranks to proceed further on a course of technical self-training and exposure to all aspects of the avocation.

Therefore, the foregoing considered, ARRL, the National Association for Amateur Radio, respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date, looking toward adoption of the rule changes set forth in the

attached Appendix, and adopt the licensing plan herein as a blueprint for the future of Amateur Radio regulation.

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APPENDIX A

Section 97.5(b)(2) of the Commission's Rules would be modified to read as follows:

§97.5 Station license grant required.

(a) ...

(b) The types of station license grants are:

(1) ...

(2) A club station license grant. A club station license grant may be held only by the person who is the license trustee designated by an officer of the club. The trustee must be a person who holds an Amateur Extra or General operator license grant. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this part.

Section 97.9 would be modified to read as follows:

§97.9 Operator license.

(a) The classes of amateur operator license grants are: Novice, General, and Amateur Extra. Those licensees holding a valid and unexpired (or expired but within the grace period) license of Technician or Technician Plus class on [effective date] will be converted to General Class. Those licensees holding a valid and unexpired (or expired within the grace period) license of Advanced Class on [effective date] will be converted to Amateur Extra Class. Technician and Advanced Class licensees who wish to have an updated license document issued to them are entitled to file an application on Form 605 through a VEC in order to obtain such. 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 Novice 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.

Section 97.17(a) would be modified to read as follows:

§97.17 Application for new license grant.

(a) Any qualified person is eligible to apply for a new operator/primary station, club station or military recreation station license grant. No new license grant will be issued for a Technician, Technician Plus, or Advanced Class operator/primary station or for a RACES station.

Section 97.21(a)(3) would be modified to read as follows:

§97.21 Application for a modified or renewed license.

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

(1) ...

(2) ...

(3) May apply to the FCC for renewal of the license grant for another term in accordance with §1.913 of this chapter.

(i)...

Section 97.109(d) would be modified to read as follows:

§97.109 Station control.

(a) ...

(d) When a station is being automatically controlled, the control operator need not be at the control point. Only stations specifically designated elsewhere in this Part may be automatically controlled. Automatic control must cease upon notification by an EIC that the station is transmitting improperly or causing harmful interference to other stations. Automatic control must not be resumed without prior approval of the EIC. A station licensee holding a Novice license may not be the control operator of an automatically controlled station.

Section 97.119(f) would be modified to read as follows:

§97.119 Station identification.

(a) ...

(f) When the control operator 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 Novice Class to General Class: AG;

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

Section 97.201(a) would be modified to read as follows:

§97.201 Auxiliary station.

(a) Any amateur station licensed to a holder of a General or Amateur Extra Class operator license may be an auxiliary station. A holder of a General or Amateur Extra Class operator license may be the control operator of an auxiliary station, subject to the privileges of the class of operator license held.

Section 97.203(a) would be modified to read as follows:

§97.203 Beacon station.

(a) Any amateur station licensed to a holder of a General or Amateur Extra Class operator license may be a beacon. A holder of a General or Amateur Extra Class operator license may be the control operator of a beacon, subject to the privileges of the class of operator license held.

Section 97.205(a) would be modified to read as follows:

§97.205 Repeater stations.

(a) Any amateur station licensed to a holder of a General or Amateur Extra Class operator license may be a repeater. A holder of a General or Amateur Extra Class operator license may be the control operator of a repeater, subject to the privileges of the class of operator license held.

Section 97.207(a) would be modified to read as follows:

§97.207 Space station.

(a) Any amateur station may be a space station. A holder of a Novice, General or Amateur Extra Class operator license may be the control operator of a locally controlled space station, subject to the privileges of the class of operator license held by the control operator. A holder of a General or Amateur Extra Class operator license may be the control operator of a space station which is not locally controlled, subject to the privileges of the class of operator license held by the control operator.

Section 97.301 would be modified to read as follows:

§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 General or Amateur Extra Class operator license or who holds a CEPT radio-amateur license or IARP of any class:

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)
1.25 m	-	219-220	-	(a), (e)
-do-	-	222-225	-	(a)
UHF	MHz	MHz	MHz	
70 cm	430-440	420-450	420-450	(a), (b), (f)
33 cm	-	902-928	-	(a), (b), (g)
23 cm	1240-1300	1240-1300	1240-1300	(h), (i)
13 cm	2300-2310	2300-2310	2300-2310	(a), (b), (j)
-do-	2390-2450	2390-2450	2390-2450	(a), (b), (j)
SHF	GHz	GHz	GHz	
9 cm	-	3.3-3.5	3.3-3.5	(a), (b), (k), (l)
5 cm	5.650-5.850	5.650-5.925	5.650-5.850	(a), (b), (m)
3 cm	10.00-10.50	10.00-10.50	10.00-10.50	(b), (c), (i), (n)
1.2 cm	24.00-24.25	24.00-24.25	24.00-24.25	(a), (b), (h), (o)
EHF	GHz	GHz	GHz	
6 mm	47.0-47.2	47.0-47.2	47.0-47.2	
4 mm	75.5-81.0	75.5-81.0	75.5-81.0	(b), (c), (h)
2.5 mm	119.98-120.02	119.98-120.02	119.98-120.02	(k), (p)
2 mm	142-149	142-149	142-149	(b), (c), (h), (k)
1 mm	241-250	241-250	241-250	(b), (c), (h), (q)
-	above 300	above 300	above 300	(k)

(b) For a station having a control operator who has been granted an Amateur Extra Class operator license or who holds a CEPT radio-amateur license or Class 1 IARP:

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), (b), (c)
HF	MHz	MHz	MHz	
80 m	3.50-3.725	3.50-3.725	3.50-3.725	(a)
75 m	3.725-3.80	3.725-4.00	3.725-3.90	(a)
40 m	7.0-7.1	7.0-7.3	7.0-7.1	(a)
30 m	10.10-10.15	10.10-10.15	10.10-10.15	(d)
20 m	14.00-14.35	14.00-14.35	14.00-14.35	
17 m	18.068-18.168	18.068-18.168	18.068-18.168	
15 m	21.00-21.45	21.00-21.45	21.00-21.45	
12 m	24.89-24.99	24.89-24.99	24.89-24.99	
10 m	28.0-29.7	28.0-29.7	28.0-29.7	

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

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), (b), (c)
HF	MHz	MHz	MHz	
80 m	3.525-3.725	3.525-3.725	3.525-3.725	(a)
75 m	3.750-3.800	3.800-4.000	3.750-3.900	(a)
40 m	7.025-7.100	7.025-7.125	7.025-7.100	(a)
-do-	-	7.175-7.300	-	(a)
30 m	10.10-10.15	10.10-10.15	10.10-10.15	(d)
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-	21.275-21.45	21.275-21.45	21.275-21.45	
12 m	24.89-24.99	24.89-24.99	24.89-24.99	
10 m	28.0-29.7	28.0-29.7	28.0-29.7	

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

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements See §97.303, Paragraph:
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HF	MHz	MHz	MHz	
80 m	3.550-3.700	3.550-3.700	3.550-3.700	(a)
75 m	3.750-3.800	3.900-4.000	3.750-3.800	(a)
40 m	7.025-7.050	7.050-7.125	7.025-7.050	(a)
-do-	-	7.200-7.300	-	(a)
15 m	21.050-21.20	21.050-21.20	21.050-21.20	
-do-	21.35-21.45	21.35-21.45	21.35-21.45	
10 m	28.050-28.50	28.05-28.50	28.05-28.50	
VHF	MHz	MHz	MHz	
6 m	-	50-54	50-54	(a)
2 m	144-146	144-148	144-148	(a)
1.25 m	-	222-225	-	(a)
UHF	MHz	MHz	MHz	
70 cm	430-440	430-450	430-450	(a), (b), (f)

Section 97.305(c) would be modified to read as follows:

Wavelength band	Frequencies Authorized	Emission Types See §97.307(f), paragraph:	Standards
MF.			
160 m	Entire band	RTTY, data	(3)
-do-	-do-	Phone, image	(1), (2)
HF			
80 m	Entire band	RTTY, data	(3)
75 m	Entire band	Phone, image	(1), (2)
40 m	7.000-7.100 MHz	RTTY, data	(3)
-do-	7.075-7.100 MHz	Phone, image	(1), (2), (9)
-do-	7.100-7.150 MHz	RTTY, data	(3)
-do-	7.150-7.300 MHz	Phone, image	(1), (2)
30 m	Entire band	RTTY, data	(3)
20 m	14.00-14.15 MHz	RTTY, data	(3)
-do-	14.15-14.35 MHz	Phone, image	(1), (2)
17 m	18.068-18.110 MHz	RTTY, data	(3)
-do-	18.110-18.168 MHz	Phone, image	(1), (2)
15 m	21.0-21.2 MHz	RTTY, data	(3)
-do-	21.20-21.45 MHz	Phone, image	(1), (2)
12 m	24.89-24.93 MHz	RTTY, data	(3)
-do-	24.93-24.99 MHz	Phone, image	(1), (2)
10 m	28.0-28.3 MHz	RTTY, data	(4)
-do-	28.3-28.5 MHz	Phone, image	(1), (2)
-do-	28.5-29.0 MHz	Phone, image	(1), (2)
-do-	29.0-29.7MHz	Phone, image	(2)
VHF			
6 m	50.1-51.0 MHz	RTTY, data	(5)
-do-	-do-	MCW, phone, image	(2)
-do-	51.0-54.0 MHz	RTTY, data, test	(5), (8)
-do-	-do-	MCW, phone, image	(2)
2 m	144.1-148.0 MHz	RTTY, data, test	(5), (8)
-do-	-do-	MCW, phone, image	(2)
1.25 m	219-220 MHz	Data	(11)
-do-	222-225 MHz	MCW, phone, image	

		RTTY, data, test	(2), (6), (8)
UHF:			
70 cm	Entire band	MCW, phone, image, RTTY, data, SS, test	(6), (8)
33 cm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
23 cm	Entire band	MCW, phone, image, RTTY, data, SS, test	(7), (8), (10)
13 cm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
SHF:			
9 cm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
5 cm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
3 cm	Entire band	MCW, phone, image, RTTY, data, SS, test	(7), (8), (10)
1 2 cm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
EHF:			
6 mm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
4 mm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
2 5 mm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
2 mm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
1 mm	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)
	Above 300 GHz	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), (10)

Sections 97.307(f)(9) and (10) would be deleted, and subsections (f)(11)-(13) would be renumbered accordingly. Section 97.307(f)(11), which becomes (f)(9), would be modified to read as follows:

§97.307 Emission Standards.

(a)...

(f)...

(9) Phone and image emissions may be transmitted only by stations located in ITU Regions 1 and 3, and by stations with control operators holding General or Amateur Extra Class operator licenses located within ITU Region 2 that are west of 130° West longitude or south of 20° North latitude.

Section 97.313 would be modified to read as follows:

§97.313 Transmitter power standards.

(a) ...

(c) No station may transmit with a transmitter power exceeding 200 W PEP on the 10.10-10.15 MHz band.

(d) No station may transmit with a transmitter power exceeding 100 W PEP on the 3.55-3.70 MHz, 3.90-4.00 MHz, 7.05-7.125 MHz, 7.20-7.30 MHz, 21.05-21.20 MHz, or 21.35-21.45 MHz segments when the control operator is a Novice Class operator, and in the bands 3.75-3.80 and 7.025-7.05 when the control operator is a Novice Class operator in Regions 1 and 3.

(e) No station may transmit with a transmitter power exceeding 50 W PEP on the 28.05-28.5 MHz, 50-54 MHz, 144-148 MHz, 222-225 MHz, or 430-450 MHz segments when the control operator is a Novice Class operator.

Section 97.501 would be modified to read as follows:

§97.501 Qualifying for an amateur operator license.

Each applicant must pass an examination for a new amateur operator license grant and for each change in operator class. Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for, the following examination elements:

(a) Amateur Extra Class operator: Elements 1, 2, 3, and 4;

(b) General Class operator: Elements 2 and 3;

(c) Novice Class operator: Element 2.

Section 97.503 would be modified to read as follows:

§97.503 Element standards.

(a) A telegraphy examination must be sufficient to prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed, using all the letters of the alphabet, numerals 0-9, period, comma, question mark, slant mark and prosigns AR, BT and SK.

Element 1: 5 words per minute.

(b) A written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee. Each written examination must be composed of a question set as follows:

(1) Element 2: 25 questions concerning the privileges of a Novice Class operator license. The minimum passing score is 19 questions answered correctly.

(2) Element 3: 35 questions concerning the privileges of a General Class operator license. The minimum passing score is 26 questions answered correctly.

(3) Element 4: 50 questions concerning the privileges of an Amateur Extra Class operator license. The minimum passing score is 37 questions answered correctly.

Section 97.505 would be modified to read as follows:

§97.505 Element credit.

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

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license grant: Elements 1, 2, 3 and 4.

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license grant issued prior to [effective date]: Elements 1, 2, and 3.

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license grant: Elements 1, 2 and 3.

(4) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Class operator license grant: Elements 2 and 3.

(5) An unexpired (or expired) FCC-granted Novice Class operator license grant issued prior to [effective date] : Elements 1 and 2.

(6) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(7) An unexpired (or expired less than 5 years) FCC-issued commercial radiotelegraph operator license or permit:

Element 1.

(8) An expired or unexpired FCC-issued Technician Class operator license document granted before February 14, 1991; Technician Plus Class operator license, General or Advanced Class operator license issued before [effective date]; or an Amateur Extra Class license: Element 1.

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.

Section 97.507(a) would be modified to read as follows:

§97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE holding an Amateur Extra Class operator license. A telegraphy message or written question set may also be prepared for elements 1, 2 and 3 by a VE holding a General Class operator license.

Section 97.509(b) would be modified to read as follows:

§97.509 Administering VE requirements.

(a)...

(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 Novice Class operator license examination;

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