

June 22, 2009

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JUN 29 2009
FCC Mail Room

Steven Bryant, NS6B
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Berkeley, California 94707

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554



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COMMUNICATIONS SERVICES DIVISION

Re: Petition to change Part 97.19(c)(2) of the Amateur Radio Service Rules

Dear Commissioner,

The purpose of this letter is to request a change to Part 97.19(c)(2) of the Amateur Radio Service Rules governing vanity call signs.

Background

For over a decade, the FCC has provided the Amateur Radio community an opportunity to obtain specific call signs. As a result of this vanity program, many Amateurs have been able to obtain their desired call sign or obtain a previously issued call sign. The vanity program has been a great success and benefit to the Amateur Radio community.

The Rules specify how Amateurs can obtain vanity call signs and discuss three areas:

1. Call signs that are currently available,
2. Call signs that were previously issued and not currently available for 2 years following their return, and
3. Call signs that otherwise would not be available for 2 years, but can be assigned to a relative of a deceased licensee.

While the privileged status of former holders is not specified in Part 97.19 of the Rules, the current vanity application procedure allows former holders to obtain a previously held call sign within the 2 year window. This is a benefit to those applicants who, upon being awarded their vanity call sign, seek the return of their previous call sign within the 2 year window due to “buyer’s remorse.”

Current Problems

While the current vanity process works well, it has also created a few loopholes that promote abuse. In some cases, former holders were able to take 3 or 4 desirable call signs out of circulation by requesting each, repeatedly, within the 2 year window. As an example, one licensee currently has 4 call signs (NT5R, KJ5AE, NO5R, and W5JB) that he continues to cycle between; effectively keeping them unavailable to other Amateurs. Three of these calls are 1x2 or 2x1 call signs that other Amateurs might find desirable.

Proposal

I am asking the FCC to modify section 97.19(c) of the Rules to clarify the privileged status of former holders in the vanity call sign process. I am also asking that the Rules be changed to prevent call sign “hoarding,” whereby one licensee is able to keep multiple call signs out of circulation. I believe that both requests could be met by changing Part 97.19(c)(2) to read:

Except for a former holder of a call sign that had not been previously granted to the applicant through the vanity call sign system as a former holder, a call sign shown on a surrendered, revoked, set aside, cancelled, or voided license is not available to the vanity call sign system for 2 years following the date such action is taken.

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The clause “*Except for a former holder of a call sign*” addresses my first request by modifying the Rules to explicitly address former holders. The clause “...*that had not been previously issued to the applicant through the vanity call sign system as a former holder...*” addresses the concern around call sign hording. The wording of this clause is designed to prevent people from repeatedly requesting the same call sign and does not hinder the applicant who really does have “buyer’s remorse.” The net result is that if a licensee surrenders the same call sign twice, then s/he will have to apply for that call sign, on equal footing with the rest of the Amateur community, if s/he wants to have it a third time (or more).

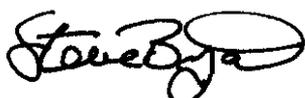
Impact

This change should not create an undue burden on the FCC or its systems since: 1) Procedures already exist within the FCC to handle former holder vanity requests and these would not have to change, and 2) Identification of any offending licensee could be performed by the Amateur community and brought to the attention of the FCC for enforcement. The Amateur community currently works in this collaborative manner with the FCC regarding other Rules and enforcement requests.

Conclusion

The vanity program has been a tremendous benefit to the Amateur Radio community and will continue to play an important role in the future. The Rules should not be silent regarding former holders. Part 97.19(c)(2) can be easily changed to provide additional clarity without introducing a burden on the FCC or on members of the Amateur Radio community. Thank you for your consider of this petition to Part 97.19 of the Rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Bryant". The signature is stylized and cursive.

Steven Bryant, NS6B