

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**In the Matter of:** )  
 )  
**Amendment of Part 97 of the Commission's Rules** ) **WT Docket No. 09-209**  
**Governing the Amateur Radio Services** )  
 )

**To: The Commission**

**Comments of Stephen J. Melachrinos, W3HF**

Stephen J. Melachrinos is a licensed Amateur Radio Operator, licensee of station W3HF. These comments are timely filed in the matter stated above, and respectfully submitted for Commission consideration.

For ease of reference, these comments are numbered per the NPRM's sequentially-numbered paragraphs.

6. ("License Cancellation Procedure") I support the codification of the Commission's requirements for this process. Although much of this information is available through third-party sources (e.g., ARRL, [www.vanityhq.com](http://www.vanityhq.com)), it is appropriate for the Commission to establish its own standards.

7. ("Clarification of two-year waiting period") I support the clarification proposed by the Commission. My personal opinion is that the ambiguity within the rules noted by the Commission in the NPRM is negligible and adequately explained by both the Commission's actions and third-party references (see above). But the proposed clarification is accurate, and there is no reason not to make the change.

8-9. ("Additional 30-day wait for call signs") I do not support the Commission's proposed change in this matter. The Commission is correct in that the person who requests a cancellation of a license due to the death of the licensee does have advance notice of the impending cancellation. However it must be noted that any such cancellation is based on *public information*, and not something akin to "insider trading." The process for requesting such a cancellation is well-documented on third-party websites, such as RadioQTH (on a page called "Obtaining Silent Key Calls", <http://www.radioqth.net/silentkeys.aspx>), VanityHQ (called "Panning for Gold", from the help menu in the navigation bar on the left side of [www.vanityhq.com](http://www.vanityhq.com)), and AE7Q (called "Silent Key Callsign Harvesting", <http://www.ae7q.com/text/SilentKey.php>). And the Commission's own proposal (para 6 above) will only increase the community's understanding of the license cancellation process.

In each of the three references above, the instructions use publicly-available data from [www.qrz.com](http://www.qrz.com) and online SSDI databases. Any person can use these resources to determine which licenses are available for cancellation. In fact, the “advantage” accruing to the applicant who requests such a cancellation is due simply to the fact that he/she made the effort to do it.

The NPRM offers as an explanation for this change the fact the concern expressed by the amateur community that the vanity system be fair. I suggest that the vanity system already meets the standards for fairness in this regard. In fact, the proposed change would *not* be fair in that it would penalize the applicant who makes the effort to identify an available call sign, and reward potential applicants who have done nothing at all.

11. (“Former Holder Exception”) I support the codification of this exception to the two-year waiting period. As with certain other changes in this NPRM, this policy is well-documented by both the Commission (in its own description of the vanity system and also on the Form 605 by which an applicant requests a vanity call sign) and third-party sources (e.g., ARRL, [www.vanityhq.com](http://www.vanityhq.com)). Nevertheless, it is appropriate for the Commission to codify it within the rules.

The Commission noted in its footnote 23 a petition filed by Steven Bryant requesting rulemaking action to prevent repeated applications under the former holder rule to prevent “cycling through their previous call signs.” The footnote states that the Commission denied the petition, in part because only one such case was referenced in the petition. I agree with the Commission’s decision not to make this a rule-making issue; I believe this can be adequately addressed by enforcement actions within the Commission’s existing rules regarding frivolous applications. But I would suggest that the fact that Mr. Bryant listed only one example in his petition should not be construed by the Commission to mean that only one such case exists. Mr. Bryant’s petition used as its example the case of FRN 0002454056, where four call signs are being “reserved” by this strategy. Using readily-available online tools, I was easily able to identify three additional (as of 3 Feb 2010) cases where a licensee has cycled through multiple call signs repeatedly and has used the former holder exception to keep those call signs unavailable to other licensees. I would encourage the Commission to review the cases of FRNs 0008956179 (two call signs “reserved”), 0002794311 (two call signs), and 0008480840 (four call signs).

12. (“Close Relatives Exception”) I support the inclusion in the Commission’s rules of a definition of “in-law.” This term does have the possibility of varying interpretations, so removal of ambiguity will make the Commission’s intent clear. The particular change proposed by the Commission is fair and reasonable.

13. (“Club Station Exception”) I do not support the proposed change that a club *in memoriam* request (within the two-year waiting period) can only be submitted if the decedent was a member of that club. The fundamental premise of a club *in memoriam* grant is that a close relative waives his/her privilege to request that call himself/herself during the two-year waiting period, and transfers that privilege to the club. (The *Omnibus*

*Report and Order*, WT Docket 04-140, added the licensee's ability to grant this privilege to a club *ante mortem*, but that is not relevant here.) In each case involving a close relative, this involves a decision by that relative to either transfer that privilege or not. Since the ultimate purpose of a club *in memoriam* grant is to honor the memory of the decedent in lieu of retaining the call sign within the decedent's family, the current rule adequately serves that purpose by leaving it to the judgment of the surviving relative(s) whether the club's request is consistent with the family's wishes. Imposing a previous-membership constraint as proposed, even though that was part of the original vanity system reasoning, limits the options available to the surviving relatives to honor the memory of the decedent in the way they deem best.

14-15. ("Ineligible Applicants") I support the codification of the Commission's rules regarding this situation. Although this information is available through third-party sources (e.g., ARRL, [www.vanityhq.com](http://www.vanityhq.com), [www.ae7q.com](http://www.ae7q.com)), the proposed wording is accurate, and there is no reason not to make the change.

17. ("Club Station Applications") I support the Commission's proposed rules on club applications. Recent issues with contested applications have unfortunately highlighted the need for tightening these rules.

18. ("One license per club") I do not support the Commission's proposal to limit clubs to one license grant. There are many legitimate reasons for clubs to maintain and use multiple licenses, including technical (e.g., the call sign limitations within the D-STAR protocol which have been documented by other commenters), operational (usage of different call signs for different purposes, e.g. emergency communications, DXing or separate contests, to segregate both legal and QSLing responsibilities), and historical (to legitimately honor the memory of one or more previous club members while maintaining a club call sign that itself has historical significance to the members).

Furthermore, the proposed rules can be easily evaded by creating a separate club for each desired call sign. Since there is no present (nor proposed) limit to the number of clubs a set of individuals can create, and no limit to the number of clubs for which a single licensee can act as trustee, it would be a simple matter for a small group of persons to replicate club paperwork, changing only the name of the clubs. This would create multiple clubs, each of which could legitimately (under the proposed rules) obtain license grants.

The Commission's rationale for proposing this restriction seems to relate exclusively to "desirable call signs." Another option available to the Commission might be to restrict a single club's licenses to a limited number of call signs deemed "desirable" but allow multiple other (implicitly "less desirable") call signs. There are many variations of this—only one vanity call, or only one from Group A, or one each from Groups A and B—the possibilities are numerous. But all of these options still suffer from the same weakness as the Commission's proposed rule, that they can be evaded by simply forming another club. As such, all of these approaches are but "band-aids," and do not address the real problem.

I believe the underlying issue, and the one that should be addressed by the Commission, is the “hoarding” of call signs by “paper” clubs that are formed solely for that purpose and have no actual on-the-air activities that require or use those call signs. The proper approach to this situation is continued enforcement of existing Commission rules to ensure that clubs are legitimate, by both CSCAs during the application process and the Commission’s enforcement officers after licenses have been granted.

19. (“Novice Class Trustees”) I support the Commission’s proposed change, allowing Novice licensees to act as club trustees. As noted in the NPRM, the renewability of the Novice license overcomes one of the fundamental limitations that existed when the rule was initially created. Although the privileges of such a club station license would be limited by the license class of the trustee, if that is acceptable to the licensee, there is no longer a reason for the Commission to restrict it.

I find it interesting that the Commission should have referenced this argument (that of the potential expiration of the trustee’s license) in its explanation of the change. This concern over expired trustee call signs is valid. In fact, one online license statistics page ([www.ah0a.org](http://www.ah0a.org)) listed 79 club licenses that as of 31 January 2010 were in violation of Commission rules because either their trustee’s license had expired (65 clubs), the call sign listed for the trustee was actually now held by another club (13 clubs), or there was no trustee listed at all (1 club). I would encourage the Commission to put in place mechanisms (either procedural or automated) to reduce the opportunity for such violations to occur.

Respectfully submitted,

/s/ Stephen J. Melachrinos  
Stephen J. Melachrinos, W3HF  
Collegeville, PA  
25 March 2010