

**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

Reply Comments of Stephen J. Melachrinos, W3HF

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

These reply comments are primarily in response to the comments submitted by the American Radio Relay League (ARRL)¹ and Mr. Frederick O. Maia², although references are included to substantially-identical comments submitted by others.

1. Regarding adding an extra 30-day waiting period when a deceased licensee's call sign is cancelled more than two years after death:

ARRL states simply that the proposed change “creates a fair and transparent system for call sign assignment.”³ But ARRL does not address the fact that any such cancellation is based on publicly-available information, using a process that will be formally documented in FCC rules under other changes proposed in this NPRM, thus satisfying the desire for transparency. ARRL also states “absent this change, the availability of the call sign may be known only to a few people.”⁴ This statement is misdirected. Although the specific *timing* of an impending cancellation might be known only to a few people, the fact that the call sign is *eligible* to be cancelled is knowledge that is available to anyone, as it is based on publicly-available data. As such, the *availability* of the call sign should be considered just as publicly-available as the data upon which the cancellation would be based.

In contrast, Mr. Maia offers a very significant observation, that many vanity applicants either do not understand the FCC licensing system and the vanity process, or are

¹ ARRL, The National Association For Amateur Radio, *Comments in the matter of WT Docket 09-209*, filed 26 March 2010.

² Frederick O. Maia, *Comments in the matter of WT Docket 09-209*, filed 25 March 2010.

³ ARRL, *op. cit.*, p. 5.

⁴ *Ibid.*

unfamiliar with available resources, resulting in defective vanity applications.⁵ The counter-statement is, as he states, “Call sign applicants who know the rules, use FCC and private sector data and do the research are the ones that get the better station call signs.”⁶ This seems to me to be a valid assessment of a fair system. He further goes on to say “There are no secret ways -- or unfair -- to get a good station call sign; all the information is readily available to everyone”⁷ which is a wonderful summary.

Mr. Maia’s arguments are compelling, and clearly a more thoughtful assessment than the simple statements of ARRL. I would offer my own summary of Mr. Maia’s comments: the FCC should not change its rules to accommodate licensees who do not understand the current FCC rules or processes, or take advantage of the resources FCC (and others) make available.

2. Regarding an additional 30-day waiting period prior to making available call signs that are surrendered, cancelled, revoked, or voided:

Both ARRL⁸ and Mr. Maia⁹ suggest that a 30-day period be inserted prior to public availability of call signs that are surrendered, cancelled, revoked, or voided. (This same suggestion was made by two other commenters to this proceeding.¹⁰) Both parties offer that this is similar to the situation of a deceased licensee, and that this recommended addition is fair for the same reasons. My observation is that this recommended change is fair and appropriate precisely for the reason that this is NOT similar to the situation of a deceased licensee.

In the deceased licensee situation, all of the information necessary to determine that the call sign can be cancelled is publicly available, as previously discussed. (As such, my opinion is that no additional 30-day wait is warranted.) In contrast, the availability of a surrendered/cancelled/revoked/voided call sign is based largely on the activities of the FCC, most often through enforcement actions (either negotiations with the licensee or unilateral decisions). And since these activities are not disclosed to the public prior to their conclusion (unlike the publicly-available data on a deceased licensee), it is entirely appropriate that the availability of the affected call sign be deferred to allow dissemination of the results of these FCC actions.

3. Regarding limiting club stations to one call sign:

Mr. Maia states that “there is absolutely no reason for any club station to have more than one station call sign,”¹¹ and offers the allowance of self-assigned identifiers as a solution

⁵ Maia, op. cit., p. 4.

⁶ Ibid., p. 6.

⁷ Ibid., p. 7.

⁸ ARRL, op. cit., p. 8.

⁹ Maia, op. cit., p. 8.

¹⁰ Bradford Armstrong, filed 30 January 2010, and Lyle L. Long, filed 25 March 2010.

¹¹ Maia, op. cit., pp.10-11.

to separate call sign grants. This is incorrect. Other comments¹² have provided legitimate reasons why clubs may need multiple call signs, and many of these may be addressed by the self-assigned identifier solution proposed by Mr. Maia. But the self-assigned identifier solution does not (and can not) address the legitimate need for some clubs to assign different trustees for different station activities, an argument raised in another comment to this proceeding¹³. For example, a club may have a UHF repeater that is built, maintained, and managed by a Technician class licensee; this is the logical person to be the trustee for the repeater. But this person is not the logical person to be the trustee of the club's HF station, which is the call sign used by the club during Field Day. Separation of trustee responsibilities can be a key requirement for some clubs, and the only solution under FCC rules is multiple station call sign grants.

Mr. Maia correctly points¹⁴ out that the proposed rule changes do not limit the number of separate clubs that a single group of individuals could form. As a result, the proposed rule changes do not achieve the Commission's objective of reducing "hoarding" of club station call signs, because "There is little difference between one club with a dozen station call signs and a dozen 'ghost' clubs with the same or different trustees formed by the same management each with a single preferential call sign."¹⁵ My conclusion is that since the proposed rules can be easily evaded, there is no point in implementing the changes.

Mr. Maia also offers some suggestions¹⁶ that could be implemented to reduce abuses of club station licenses:

- a. Preclude trustees or club managers from forming more than one club.
- b. Increased enforcement action against clubs formed primarily to obtain call signs.
- c. Increase FCC requirements for club documentation to include membership records and minutes of meetings for a three-year period.
- d. Eliminate future club licensing entirely.

Item a. seems unnecessarily restrictive. It is quite common for a single individual to be a member of multiple clubs, and good leaders often gravitate to leadership positions in multiple organizations simultaneously.

Items b. and c. are good suggestions. Strengthening the rules to ensure that clubs are legitimate will give FCC enforcement officers additional tools to ferret out violators.

Item d. is both unnecessary and draconian. Furthermore, if existing clubs are allowed to retain call signs, it could lead to "hostile takeovers" of clubs simply for "call sign rights."

¹² Eric M. Gildersleeve, filed 30 November 2009, James R. Maynard III, filed 30 November 2009, Mark Young, filed 23 January 2010, and Stephen J. Melachrinis, filed 25 March 2010.

¹³ David R. Tucker, filed 14 January 2010.

¹⁴ Maia, op. cit., p. 10.

¹⁵ Ibid.

¹⁶ Ibid., p. 11.

Although embedded in Mr. Maia's discussion of clubs with multiple call signs, Mr. Maia offers a comment¹⁷ that is applicable to many situations. He addresses the proposed rule change that would allow clubs to continue to renew or modify all existing station licenses, and suggests instead that existing licensees should be required to conform to the new rules when existing licenses expire. (Similar suggestions were also made in two other comments to this proceeding.¹⁸) He correctly points out that this type of approach was previously implemented when secondary call signs were eliminated in the 1970s. My observation is that the same approach was also used with the elimination of special repeater licenses not long thereafter. I would suggest that there are times the Commission should consider uniform application of new rules rather than simply "grandfathering" existing licenses; when the new rules are intended to reduce abuses that had existed under the old rules, the "grandfathering" approach allows existing abuses to continue.

4. Regarding expanding the pool of available call signs:

ARRL and Mr. Maia offer multiple suggestions to increase the number of Group A call signs available to the amateur service.

ARRL suggests¹⁹ a new call sign format, where the first character of a two-character suffix within Group A is allowed to be a numeral. This is a reasonable suggestion, and deserves consideration. Although these call signs would initially seem unusual within the amateur service, the same was true when 2x1 and 2x2 call signs were added in 1978.

Both ARRL²⁰ and Mr. Maia²¹ suggest similar modifications of the region 12 (Caribbean Insular areas) and region 13 (Hawaii and Pacific Insular areas) assignments, expanding the number of available call signs within the most populous areas (e.g., Puerto Rico and Hawaii). These are reasonable suggestions that should be considered by the Commission.

ARRL suggests²² making a new block of call signs, 2x3 calls beginning with N, available to vanity call sign applicants. Rather than expressly limiting this to vanity applicants (as the ARRL suggests), it would appear to be cleaner to simply add this block of calls to the definition of Group D calls. This would have no practical difference in the immediate future (until the exhaustion of the K 2x3 call sign blocks now being issued sequentially), but would result in a simpler set of rules within Part 97.

5. Regarding elimination of the two-year waiting period for call signs that are voluntarily relinquished:

¹⁷ Ibid., p. 10.

¹⁸ Ernest R. Swanson, on 28 November 2009, and W. Lee McVey, on 12 February 2010.

¹⁹ ARRL, op. cit., p. 12.

²⁰ Ibid., pp. 13-14.

²¹ Maia, op. cit., p. 13.

²² ARRL, op. cit., p. 15.

Mr. Maia correctly points out²³ that some applicants abuse the vanity call sign system through repeated, close-spaced (in time) applications that keep multiple call signs all within the two-year waiting period. (This problem was addressed in footnote 23 of the Commission's NPRM, as well as at least one other comment²⁴ in this proceeding.) Mr. Maia then suggests that a (partial) solution is to reduce the two-year waiting period to 30 days for the special case where the call sign is voluntarily relinquished, stating that "there is really no reason to have a 2 year wait to apply for a call sign that has been voluntarily relinquished."²⁵ (The same suggestion was also made in another comment to this proceeding.²⁶) This would indeed have the effect of reducing this "cycling" through a set of call signs that are all kept within the two-year waiting period; the nominal 18-day vanity assignment cycle would result in only the most recent call sign being "protected" that way. But there are other legitimate reasons for the two-year wait, reasons that would be subverted by such a change:

- a. A licensee sometimes decides that he really doesn't want to keep the vanity call sign he was just assigned, and wants to revert back to his previous call sign. (This is commonly called "buyer's remorse.") Reducing the two-year period to 30 days does not allow much time for the licensee to "try out" the new call before the licensee risks losing his old call sign to another applicant.
- b. The most-recent licensee of a call sign is not the only one who can apply within that two-year period. That "protected window" is also available to previous former holders, relatives of deceased previous former holders, and even clubs who would request the call of a deceased previous former holder *in memoriam*. Reduction of the length of the window by over 95% will penalize those potential applicants in addition to the (few) abusers of the process.

As a result, I do not believe that reduction of the waiting period is the right solution here; instead, this should continue to be an area where the Commission's focus is enforcing its existing rules on frivolous applications.

Respectfully submitted,

/s/ Stephen J. Melachrinos
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xx April 2010

²³ Maia, op. cit., p. 12.

²⁴ Melachrinos, op. cit., p. 2.

²⁵ Maia, op. cit., p12.

²⁶ James W. Horman, filed 2 Dec 2009, p. 9.