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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 97 of the Commission's Amateur Service Rules to give permanent credit for examination elements passed	)	**RM-_____**
	)	

To: The Commission

PETITION FOR RULE MAKING

We believe that the current FCC rules that govern renewal of amateur radio licenses are in need of revision. The current version of section 47 CFR § 97.501 [1] of the commission's rules details the requirements for obtaining a new or upgraded license grant. In brief, the current rules require an applicant to have successfully passed one or more examination elements in order to receive a new or upgraded license grant.

In addition, to renew an existing license, the holder of the grant must apply for renewal of the expiring (or expired) license grant within a specific "window". The current rules describe

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[1] § 97.501 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 2, 3, and 4;
(b) General Class operator: Elements 2 and 3;
(c) Technician Class operator: Element 2.

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this window as beginning 90 days prior to the expiration date of the license grant and extending to not more than 2 years after the expiration date of the license grant. These procedures are detailed in section 47 CFR § 97.21(b) [2] of the rules.

However, if a license holder should, for whatever reason, fail to renew his or her license within the allowable time for renewal, under the current rules, that person loses all credit for any elements passed, and must start all over if they want to continue their amateur radio activities. It does not matter that the person had at one time passed one or more examination elements. This fact is ignored. Does the passage of time somehow invalidate a person's knowledge? We think not.

It is interesting to note that under certain conditions, an applicant for an upgraded license grant may obtain credit for elements previously passed even if the expiration date for the license grant involved has passed, and the license grant has been expired for more than 2 years. For example, a person may claim credit for element 3, even if they no longer hold a valid Technician class license grant, provided the applicant can demonstrate that they held a valid Technician license grant prior to March 21, 1987. See 47 CFR § 97.505 (a) (3) and (4). [3]

We believe that any applicant who can demonstrate that they have passed certain elements

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[2] §97.21 (b) A person whose amateur station license grant has expired may apply to the FCC for renewal of the license grant for another term during a 2 year filing grace period. The application must be received at the address specified above prior to the end of the grace period. Unless and until the license grant is renewed, no privileges in this Part are conferred.

[3] §97.505 (a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants or license documents:
(1) . . . .
(2) . . . .
(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician or Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license grant: Element 2.
(4) An expired FCC-issued Technician Class operator license document granted before March 21, 1987; Element 3.

at some previous date or who have held a license grant for a particular class of license, again on or before various applicable dates (see appendix 1), should not have to be re-examined on those elements before a new license can be granted. It seems unfair to allow some applicants to claim element credit for items previously passed and not others.

We note also that 47 CFR §97.501 [1] of the commissions rules, "Qualifying for an amateur operator license", says in part, that "Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for, the following examination elements:" (portions of text detailing specific elements deleted – see footnote [1]). Note the phrase "**or otherwise receive examination credit for**" . We believe that a person who can show proof of having held a license grant for a specific class of license has in fact demonstrated that they have earned credit for having passed the elements required for that class of license.

The question sets used for the various elements have changed over the years, with material being added or removed as needed to accommodate changes in technology and the FCC rules. It is therefore true that a person taking a current exam for any of the required elements is being tested on material that is different from what once was used, but a person holding a license issued in 1960 (as an example) is not required to sit for re-examination when renewing his or her license today. In the case of the example given, this would be a difference of 50 years. Both the long-term license holder, and the newly tested applicant who has just recently passed the required examination elements, are deemed to be qualified for the license involved, even though they were examined on material that anyone can see is significantly different. Again, we believe that an applicant for a re-issued license should receive credit for each and every element passed, without regard to when it was given. Requiring an applicant for a re-issued license to re-take an element just because it has changed in detail over the years is unfair, based on the fact that a license which has been continuously renewed and is still active implies that the long-term license holder does in effect receive credit for material passed long ago, and a person desiring to re-

activate an expired license apparently does not.

The sole exception to the preceding paragraph concerns the Novice class license grant. If we think of the various examination elements as measures of skill level, then even though the questions used for those elements have changed over time, the level of skill required has remained approximately the same for licenses based on those elements. However, in year 2000, the Novice class license was discontinued, and the "entry level" license became the Technician class license. In support of this change, the question pools were adjusted so that portions of both the then existing Element 2 and Element 3A pools were combined to create a "new" Element 2 question set, which became the "new" Element 2 pool. The result of this action meant that the "new" Element 2 pool was pitched at a significantly higher skill level than the previous version. In other words, the "new" Element 2 pool was no longer appropriate for a person at the Novice skill level. For this reason, and since the holder of an expired Novice class license has not been tested at the increased skill level required for the Technician class license (regardless of question sets used), we propose that an individual wishing to reactivate an expired Novice class license be required to pass the current Element 2 examination before he or she can be issued a new Technician class license grant.

We also recognize that it may be impractical for an applicant who desires to reactivate a previously issued license grant to obtain his or her previously held call sign. The previous call sign may no longer be available for any of a number of different reasons. Therefore, we propose that all such applicants desiring to reactivate a license grant that has been expired for 2 years or longer be issued a new sequential call sign appropriate for the area where they currently reside. Once the new license grant has been issued, the applicant could then apply for a different call sign if they so desired, including a previously held call sign if it is available, by making use of the vanity call sign program.

The existing Volunteer Examiner system can easily accommodate processing of the applications for individuals desiring to reactivate an expired license grant. Such applications would be handled as if they were and application for a new license grant. The present system is already set up to process this type of application, and no new procedures are required.

To take advantage of this program under the rules changes proposed herein, the applicant would complete an application for a new license grant , and present his or her pertinent documents to one of the existing VEC groups that process new license applications. The applicant would be required to provide proof that the applicant did indeed pass the required element or elements at some time in the past. The applicant would also be required to prove that he or she was the same individual as the person named on the expired license documents. The documents used for this process could include any of the following items: Copies of expired licenses, appearance of the persons name and call sign in a published database or call book, or a certified document resulting from a search of the FCC's records by a private company that confirms the necessary facts. This is the method now employed by persons wishing to take advantage of the "instant upgrade" path for a Technician class grant to General class, as outlined in § 97.505, (3) and (4) [3].

Because there will be, in some cases, a significant lapse in time between when the active license grant expired and the filing of a request to issue a new license grant based on the expired license, a method is needed to establish beyond a reasonable doubt that the individual is indeed one and the same person, and not simply someone attempting to take advantage of a similarity of name. We are confident that the existing procedures already in place and used by the vanity call sign program to prevent such fraud will serve to adequately protect the integrity of the licensing process when applications are made via this new program.

We believe that these changes will enhance the goals of the amateur radio service, to wit: 47 CFR § 97.1 (d), "Expansion of the existing reservoir within the amateur radio service of

trained operators, technicians, and electronics experts."

Pursuant to Section 1.407 of the Commission's procedural rules (47 C.F.R. §1.407), the Anchorage VEC respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date amending the rules governing the Amateur Radio Service.

Respectfully submitted,

Anchorage VEC
c/o Anchorage Amateur Radio Club, Inc.
P.O. Box 101987
Anchorage, Alaska 99510

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By: _____

James B. Wiley, KL7CC, Chairman
Anchorage VEC

Principal Contact info: **James Wiley**
PO Box 670616
Chugiak, AK 99567
Tel: (907) 338-0660
email: KL7CC @ ARRL.net

APPENDIX

PROPOSED RULES

Proposed changes to Part 97 of Chapter I of Title 47 of the Code of Federal Regulations follows:

PART 97 -- AMATEUR RADIO SERVICE

Current rule:

§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 2 and 3.
(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license grant: Elements 2 and 3.
(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician or Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license grant: Element 2.
(4) An expired FCC-issued Technician Class operator license document granted before March 21, 1987; Element 3.
(5) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(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.

(continued, next page)

Proposed new and modified text of rule:

§97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee having proof of having been granted any of the following FCC issued license grants or operator license documents:

(1) An unexpired, or expired Amateur Extra class operator license whether or not it is beyond the 2-year grace period for renewal: Elements 2, 3, and 4

(2) An unexpired, or expired Advanced Class operator license whether or not it is beyond the 2-year grace period for renewal: Elements 2 and 3 (see also section (c) (2), below.

(3) An unexpired, or expired General class operator license whether or not it is beyond the 2-year grace period for renewal: Elements 2 and 3

(4) An unexpired, or expired Technician class operator license whether or not it is beyond the 2-year grace period for renewal: Element 2

(5) An expired Novice class operator license that is beyond the 2-year grace period for renewal: No element credit. See section (c) (1), below.

(6) In addition to the above credits, the following additional credits may also apply:

(7) An expired Technician class operator license granted before March 21, 1987: Elements 2 and 3

(8) An expired Technician class operator license granted before February 14, 1991: Element 2

(9) A valid CSCE for any examination element: Credit for any element(s) the CSCE indicates the examinee passed within the previous 365 days.

(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.

(c) Because new license grants for Novice and Advanced class licenses are no longer

offered, the following additional rules apply:

(1) An expired Novice class license grant that is beyond the 2-year grace period for renewal may not be reissued. The applicant must pass the current Element 2 examination, after which the applicant will be issued a new Technician class license grant.

(2) An expired Advanced class license grant that is beyond the 2-year grace period for renewal will be re-issued without examination as a new General class license grant.