

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

In the Matter of:)
)
Amendment of Part 97 of the Commission's Rules) **WT RM-11629**
Amateur Service Rules to give permanent)
credit for examination elements passed)

To: The Commission

Comments of Stephen J. Melachrinis, W3HF

Stephen J. Melachrinis is a licensed Amateur Radio Operator, licensee of station W3HF. He is also a Volunteer Examiner for the Amateur Radio Service, accredited by both the ARRL and W5YI VECs. These comments are timely filed in the matter stated above, and respectfully submitted for Commission consideration.

Summary:

- I support the concept of permanent credit for examination elements, and the specific credits for license classes as proposed.
- I recommend a clarification in terminology, two technical additions to the proposal, and some simplifications to the proposed §97.505 wording changes.

Discussion:

1. I support the concept of permanent credit for amateur radio license elements. I believe the arguments that Anchorage VEC offers are sound. Clearly the action of renewing a license is now only an administrative function. Once the Commission eliminated technical requirements for renewing licenses (including maintaining activity on the air and/or certifying continued proficiency in Morse code, requirements that existed in years past), renewals became simply a paperwork exercise. Since there is no requirement to demonstrate continued technical proficiency, it's clear that, at least for the applicant who continues to renew his license, the Commission considers the one-time passing of a license test to be adequate. And if the only distinction between one person who passed the license test(s) 20 years ago (and renewed his license) and another who passed the same license test(s) 20 years ago (and didn't renew his license) is purely the administrative act of renewal, then it is reasonable to postulate that another administrative act (application for issuance of a new license, not the retaking of all tests) is all it should take to restore equal status.

2. I further support the specific element credits proposed for each of the license classes addressed in the proposal. Credits for Technician, General, and Amateur Extra

Class licenses are “easy”; they are simply the examination elements required under current rules for those licenses. Thus granting those credits allows the applicant to restore his/her privileges. Credits for Novice and Advanced class licenses are trickier because those licenses are no longer available under Commission rules (and thus there are no examination elements listed for them), but Anchorage VEC has the correct approach. Their proposal (no credit for a Novice, Elements 2 and 3 for Advanced) is consistent with the credits that a current license holder receives when upgrading. WT Docket 98-143 (commonly referred to as “License Restructuring”) established the Commission’s position that licensees holding Novice or Advanced class licenses could continue to hold and renew them, and thus continue to enjoy their privileges. Failure to renew those licenses thus terminates those privileges. This rulemaking should not be viewed as an opportunity to reverse that position, and allow re-establishment of license grants for no-longer-issued license classes. Neither should it be viewed as another opportunity to seek “automatic upgrade” status for these classes, a position that the Commission has consistently rejected.

3. In recent years, the Commission has implemented a number of permanent credits for amateur radio examination elements:

- a. The present rule, offered as a precedent by Anchorage VEC, of conferring element 3 credit to applicants who held a Technician license prior to 21 March 1987 (“pre-87 Techs”).
- b. The permanent credit for Element 1 (the then-current 5 wpm telegraphy test) established under WT Docket 98-143 (“License Restructuring”) for anyone who previously held a Novice or Technician (with code) license (and thus had passed a 5 wpm telegraphy test when it was Element 1A). This rule was in effect from April 2000 until December 2006.
- c. The expansion of the permanent telegraphy credit in b. above under WT Docket 04-140 (the “Omnibus” proceeding) to include “General, Advanced, and Amateur Extra Class licensees who have allowed their licenses to expire, because they too have passed at least a five wpm telegraphy examination” (page 28 of that proceeding). This expanded credit was in effect from December 2006 until the telegraphy requirement was eliminated in February 2007.

It is clear from these precedents that the Commission is willing to allow permanent credits within the Amateur Radio Service. It is reasonable to now extend this to all examination elements.

4. One portion of RM-11629 is troubling, and that is the use of the terms “re-issue” and “reactivate” (a license grant) to refer to this concept. In fact, what is proposed here is really the conferring of element credit based on an expired license; this allows the issuance of a new license grant, not the re-issue or reactivation of that earlier license grant. (That fact is noted on page 5 of the petition.) “Re-issue” and “reactivate” are not terms that are used in the Commission’s Part 97 rules, and their introduction serves no useful purpose. Although discussions and descriptions of this action likely will use those

(and other) terms, I believe that the Commission's intent and the effective implementation would be more clear if those terms were avoided and not used in Part 97. Instead, the focus and wording should be on granting appropriate element credits based on expired licenses; existing Commission and VEC rules and procedures would then be followed to issue new license grants.

5. The current license structure is derived directly from the changes made by the Commission in 1951, when the former three-class system (A, B, and C) was replaced with six classes of licenses that were given names (Novice, Technician, Conditional, General, Advanced, and Amateur Extra Class). Although multiple changes have occurred since 1951 (e.g., Incentive Licensing in 1967, No-Code Technicians in 1991, and Restructuring in 2000), that original structure has largely survived. As a result, we can continue to refer to any amateur license from the past 60 years using terms that are generally familiar, and thus convey the intended meaning. But over those 60 years, two license classes have ceased to exist: Conditional and Technician Plus. Starting in the mid-1970s, all Conditional licenses were renewed as Generals; similarly, all Technician Pluses renewed on or after 15 April 2000 were renewed as Technicians. RM-11629 proposes element credit explicitly only for expired Technician, General, Advanced, and Amateur Extra Class licensees, and omits expired Conditional and Technician Plus licensees. Since the Commission's own actions in effectively renaming Conditional and Technician Plus licenses upon renewal showed their equivalence to the successor names, it would be unfair to omit their holders from the present rulemaking. I therefore suggest that the Conditional and Technician Plus license classes be explicitly included.

6. Although I am in full agreement with the concept and implementation of permanent credit as proposed by the Anchorage VEC, I believe their suggested changes to Part 97.505 are unnecessarily complex. Instead, I offer the simplified version listed in the Appendix to these comments. Simplifications (and other changes) result from the following:

- a. Elimination of the word "re-issue", and a resulting focus solely on conferring element credit, as discussed above in point 4. This allows elimination of paragraph (c) in toto, as well as references elsewhere to paragraph (c).
- b. Moving the "unexpired or expired" phrase to (a) since it applies to all of the license clauses below it.
- c. Deleting the "whether or not it is beyond the 2-year grace period for renewal" phrase. Since ALL expired licenses would now grant credit, the phrase is unnecessary.
- d. Consolidation of the Advanced and General clauses, as the elements granted are the same. (Note that I do NOT recommend consolidation with the "pre-87 Tech" clause even though the elements granted are the same, as the addition of a date dependency for only one license class increases the complexity of the clause.)
- e. Deletion of the Novice line. Since no credit is granted for an expired Novice license, this is already covered by paragraph (b).

- f. Deletion of the “Technician license granted before 14 Feb 1991” line, as the 14 Feb 1991 date only served to distinguish which Technician licenses should confer telegraphy credit, and thus no longer serves a necessary purpose.
- g. Addition of the Conditional license class to the Advanced/General clause, and Technician Plus to the Technician clause, as discussed above in point 5. (Note that Technician Plus does not need to be added to the pre-87 Technician clause, as Technician Plus licenses were not issued until after February 1991, to distinguish them from “no-code” Technician licensees.)

Respectfully submitted,

/s/ Stephen J. Melachrinos
Stephen J. Melachrinos, W3HF
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19 May 2011

Appendix

Proposed new and modified text of 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 (unexpired or expired) or operator license documents:

- (1) An Amateur Extra Class operator license: Elements 2, 3, and 4
- (2) An Advanced, General, or Conditional Class operator license: Elements 2 and 3
- (3) A Technician or Technician Plus Class operator license: Element 2
- (4) A Technician Class operator license granted before March 21, 1987: Elements 2 and 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.