

WT 11-130

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C., 20554

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FILED/ACCEPTED

JUL 29 2011

Federal Communications Commission
Office of the Secretary

In the matter of:)
)
Anchorage VEC petition RM-11629)
)
Request for Waiver affecting certain portions of)
the Commission's Rules to permit immediate)
recognition of previously passed examination)
elements.)

No. _____

To: Chief, Wireless Telecommunications Bureau

WAIVER – EXPEDITED ACTION REQUESTED

WAIVER REQUEST

The Anchorage VEC (Volunteer Examiner Coordinator) respectfully requests a waiver of certain portions of section, 97.505(a) ¹ of the Commission's Rules, subject to the conditions and limitations specified herein, to permit individuals who have previously held an amateur radio license grant issued by the Commission, but which has expired and is beyond the 2-year grace period for renewal, to receive credit for elements previously passed, and thus a new license grant, without additional examination.

¹ § 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) 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.

The bureau is currently considering a petition filed by the Anchorage VEC, which has received the file number RM-11629. The public comment period for this action has closed. Some suggestions contained in the comments as received have been incorporated into this request (see appendix). The filing of this petition was widely publicized in various amateur radio media (The ARRL Letter, various on-line forums and discussion groups, etc.). All of the comments that were timely filed in this proceeding support the Anchorage VEC's request. No unfavorable comments were received.

The result of granting this waiver will be to permit individuals to obtain a new license grant at an early date, thereby allowing them to again participate in normal amateur radio activities. It does not appear that there would be any negative impact on the Commission's staff, the volunteer examiner system, or the amateur radio community in general from the granting of this request.

The advantage to be gained from this action is the immediate expansion of the pool of experienced and trained operators available for use in time of national or regional emergency. Most, if not all, of the persons that will take advantage of this change in the rules will be able to immediately participate in assisting their communities in the well recognized tradition followed by amateur radio operators since the inception of the service. A secondary consideration favoring prompt action is that several potential benefactors of this action are of advanced years, and are understandably interested in prompt resolution of this action. This action is therefore in the public interest.

The existing volunteer examiner program will be able to accommodate this new procedure without difficulty. The practical impact will be that applicants wishing to take advantage of this

process will simply appear at a normal volunteer examiner session sponsored by any one of the currently authorized VECs. The session manager will be authorized to accept proof of a previously held license grant, or other suitable proof that the applicant has passed the required elements, and upon verification of the identity of the applicant, submit the required information to the ULS (Universal Licensing System) in the same manner as would be appropriate for any other applicant for a new license.

There is ample precedent for granting this request, in the form of previous FCC actions. The previous actions dealt with granting credit for passing a previous version of element 3, even if the license grant involved had expired, and various versions of element 1. These credits referred to are:

- (a.) The present rule, § 97.505 (a) (4)¹ conferring element 3 credit to applicants who held a Technician class license prior to 21 March 1987.
- (b.) The permanent credit for Element 1 established under WT Docket 98-143 for anyone who previously held a Novice class or Technician (with code) class license grant. 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, which included “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.

Note that item (c.) in the previous paragraph specifically refers to allowing element credit for license grants that have expired, and that item (a.) infers this as well, albeit without specifically

stating the fact. Therefore, we believe that the foundation for granting this waiver has been firmly established. The Commission can accomplish this change by public announcement.

See appendix A (suggested changes to the commission's rules), and appendix B (procedural matters pertinent to the volunteer examiner system) for discussion of those rules that will be impacted by this action, as well as suggested interim language that could be used in the notice authorizing the procedure, pending final resolution of this matter.

Respectfully submitted,

/s/ James B. Wiley, KL7CC
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APPENDIX A

Suggested adjustments to the Commission's Rules

§ 97.505 Element Credit (suggested new text, replacing present version, as detailed in footnote 1 of main document)

(a) The administering VEs shall give element credit as specified below to an applicant holding, or having proof of having once held, any of the following FCC issued license grants or license documents, expired or unexpired:

- (1) Amateur Extra class: elements 2, 3, and 4
- (2) Advanced class: elements 2 and 3
- (3) General or Conditional class: elements 2 and 3
- (4) Technician or Technician Plus class: element 2
- (5) Technician class granted before March 21, 1987: elements 2 and 3
- (6) A CSCE: each element on a CSCE that indicates the applicant has passed one or more elements within the previous 365 days
- (7) Novice: no element credit is allowed for an expired Novice license

(b) No examination credit, except as provided herein, shall be allowed on the basis of having held any other license grant or document

(appendix continues, next page)

APPENDIX B

Procedural matters pertinent to the Volunteer Examiner system. These items could be the basis of the appropriate public notice, should this waiver be granted.

1. Volunteer Examiner Coordinators and their associated Volunteer Examiners shall be immediately authorized to accept as proof of element credit any expired FCC issued amateur radio license grant bearing the name of the applicant, together with proof that the applicant is indeed the person named on the license document. Specific element credits permitted will depend on the class of the expired license involved.

2. Applicants desiring to receive element credit for a previously held but expired license must provide adequate proof of their identity, as well as proof that they did indeed previously hold a license grant of the applicable class. Such proof can be in the form of a license document, publication in an established call book or database, or a letter from an appropriate agency certifying that the person did hold such a license.

3. The applicant shall be required to sign and present an affidavit which states that they are indeed the same person as indicated on the expired license grant or other appropriate documentation.

4. The applicant must certify that they have never been subject to any FCC action involving suspension or revocation of a license, or other administrative sanction, including surrender of a license to avoid enforcement proceedings.

5. Processing applications from persons whose license has expired: The application shall be filed as an application for a new license. Do not include the call sign of any previous license the applicant may have held. Applicants shall be informed that they will receive a new sequential call sign appropriate for their class of license when their application is accepted by the FCC.