

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Amendment of the Amateur Service Rules Governing Qualifying Examination Systems and Other Matters)	WT Docket No. 12-283
)	
Amendment of Part 97 of the Commission's Amateur Service Rules to Give Permanent Credit for Examination Elements Passed)	RM-11629
)	
Amendment of Part 97 of the Commission's Rules to Facilitate Use in the Amateur Radio Service of Single Slot Time Division Multiple Access Telephony and Data Emissions)	RM-11625
)	
Request for Temporary Waiver)	
)	
Amendment of the Amateur Service Rules <u>Governing Vanity and Club Station Call Signs</u>)	WT Docket No. 09-209

To the Commission:

COMMENTS OF JAMES EDWIN WHEDBEE, M.P.A., M.Ed.

COMES NOW, James Edwin Whedbee, an interested party in and to the above-captioned proceedings respectfully submitting his comments to the Commission in response to the queries within the Commission's October 1, 2012 Notice of Proposed Rulemaking, FCC 12-121 ("NPRM").

PART ONE – COMMENTER'S STANDING AND QUALIFICATIONS

James Edwin Whedbee has been a licensed amateur radio operator since October 23, 1981, at age 12, and is currently a General Class licensee for amateur radio station N0ECN. James Edwin Whedbee has a Master's of Education degree in school law, a Master's in Public Affairs degree in disaster and emergency

management, and a Bachelor of Arts in Elementary Education with concentrations in social sciences and communication arts. James Edwin Whedbee is currently a lifetime certified teacher in the Kansas City, Missouri School District, having held positions on his school leadership team; he is adjunct professor of education for Park University; he is a basic instructor for the Civil Air Patrol (U.S. Air Force Auxiliary); and he is a former public education and member training officer for the Coast Guard.

PART TWO – COMMENTS AND DISCUSSION OF SPECIFIC QUESTIONS IN THE NPRM

Question 1 – Costs and Benefits of Permanent Examination Element Credit for Former Licensees:

Paragraph 7 of the Commission’s NPRM asks for comment on the costs and benefits of revising Section 97.505 of the Commission’s rules (47 CFR 97.505).

The costs are decreased by allowance of permanent examination element credit inasmuch as the test materials, supplies, and overhead aren’t required to grant credit instead of conducting an examination. Benefits to the applicant are manifest in receiving a license without further examination. As discussed further below in response to Question 5, there is a way to make this NPRM a much more cost-effective and logical proposal by way of granting lifetime licenses.

Question 2 – Reexamination of the Commission’s decision in WT Docket No. 95-57: Paragraph 8 of the Commission’s NPRM asks for discussion regarding adherence to current policy and for how long examination credit should be valid.

Should the Commission retain its current stance? No. However, the examination elements have changed over time to maintain currency with the state of the art. It is, therefore, reasonable to establish a lapse date beyond which former licenses cannot be used for examination element credit. As an educator, this commenter would advocate against lifetime examination element credit because lack of practice will pose problems with retaining a competent degree of knowledge. Furthermore, examination elements written for the vacuum tube era would hardly do justice in this day of digitized devices. As a professional educator, this commenter suggests the Commission extend credit to former licensees, but not for longer than the Commission typically allows credit. That said, this commenter cannot overlook the fact that commercial radio operators have lifetime licenses, and applying the same logic, it is irrational to apply a different standard to amateur radio licenses which are frequently held by those same commercial radio operators.

Currently, licenses in the amateur radio service have a ten (10) year term with an additional two (2) year grace period within which to renew, for a total of twelve (12) years during which reexaminations are not required. Given that the Commission has determined that the requisite knowledge of a licensee remains adequate during this period of twelve (12) years, it is doubtful a former licensee will be much less competent after a further twelve (12) year period. While the current NPRM proposes shortening the grace period to one hundred eighty (180) days, for a net tenure of 10.5 years in a particular license, the difference is insignificant for purposes of this discussion. In a separate vein of logic, the Commission granted pre-1987 Tech-Plus Class licensees credit sufficient for an automatic upgrade to the General Class license after April 15, 2000. Apparently, the Commission determined that the passage of thirteen (13) years' time was not sufficient to render Tech-Plus licensees incompetent to hold General Class licenses. Taking an average of these time periods would seem to suggest that retention of tested knowledge within a particular element is approximately twelve (12) years. Accordingly, this commenter recommends that the Commission give former licensees examination element credit for that former license if that license has not

been lapsed longer than twelve (12) years prior to the examination element thereby being credited. This said, this commenter believes the Commission has established precedent in commercial radio operator licenses for lifetime licenses, and it would serve the Commission's interests, the public's interests, as well as the interests of licensees to extend the same logic to amateur radio licenses in making those lifetime licenses.

Question 3 – Discussion of Retaining Reference to former Tech-Plus Class Licenses for Upgrade Credit; Consideration of former Conditional Class Licenses for Examination Element Credit.

Retention/consideration of rules applicable thereto.

For reasons already discussed in response to the second question and for reasons which will be discussed in response to the fifth question, this commenter suggests that the Tech-Plus examination element credit be retained in the rules as a footnote; however, as the Commission intimates in Paragraph 9 of the NPRM, the time has come to streamline the process and any benefit the rule currently affords cannot outweigh the burdens it might otherwise impose. For the same rationale, no consideration need be given to offering examination element credit for former Conditional Class licenses.

Question 4 – How long shall an applicant receive CSCE Credit?

In response to the Commission's query within Paragraph 10 of the NPRM, this Commenter proposes a CSCE be valid, for all intents and purposes – including interim operating privileges, for a period of twelve years after issuance. Given the previous discussion, the length of validity for the CSCE is irrelevant, or is mooted. This question points to a more pertinent area requiring Commission attention: allowing volunteer

examiners to electronically approve upgrades of an amateur radio operator class such that the issuance of a CSCE no longer occurs. After all, the NPRM suggests that remote supervision of examinations be permitted by VE's/VEC's – and why not? I am an adjunct professor in two (2) online courses: EDU107 and EDU210 at Park University for pre-service teachers. VE's and VEC's should have secure access to the Commission's ULS database to administer upgrades of amateur radio licenses from the examination site, so that CSCE's are no longer necessary. Unless and until such changes occur, a CSCE should be indistinguishable from a license in terms of its validity toward examination element credit or interim operating privileges.

Question 5 – Grace Period Discussion per Paragraph 12 of the NPRM.

Given the previous discussion, while not objecting to shortening the grace period, this commenter suggests that the entire NPRM's premise is faulty – indeed it will result in an even more burdensome and costly licensing process in the long run. The Commission is discussing extending examination element credit for former licenses, CSCE's, and shortening the grace period for renewal; however, these questions are premised on licenses having an expiration or the need to issue a CSCE. This premise, in our day-and-age, is faulty by reason of obsolescence. Wisely, the Commission suggests in Paragraph 13 of the NPRM extending the grace period for a lengthy period. While this is a more logical proposal, it doesn't go far enough if cost-benefit analysis is applied to the NPRM. Moreover, the Commission should concern itself with streamlining and improving the licensing process rather than changing its complexity.

This Commenter proposes the Commission make amateur radio licenses valid for the lifetime of the operator, just as it already does with commercial radio operator licenses. My previous remarks to the

contrary notwithstanding, it is illogical that commercial licensees retain knowledge for longer periods than amateur radio licensees, as often they are one and the same person. Therefore, rather than worry itself with extending examination credit for this or that, this Commenter advocates four (4) things:

- Licenses in the amateur radio service are valid for the lifetime of the operator from their date of issuance, unless suspended or revoked for cause;
- Former licensees have twelve (12) years from the date their previous licenses expired to apply for reinstatement of that license (which has a lifetime duration);
- Licenses automatically lapse at the death of the operator, and therefore, do not have to be surrendered by the operator's family for cancellation (personal comment: this is distasteful in the immediate aftermath of a loved one's death);
- VE's/VEC's have secure access to the amateur radio portion of the Commission's ULS database to administer upgrades of licenses when an operator passes higher levels of examination.

Question 6 – Vanity Call Sign Issuance per Paragraph 15 of the NPRM.

Given the preceding discussion, the Commission should shorten to six (6) months the period within which call signs become available for issuance as a vanity call sign. However, the burden of proof that a call sign is available should be on the applicant inasmuch as the death of the former operator may be concerned.

Question 7 – Reduction from 3 to 2 in the number of VE's per Paragraph 20 of the NPRM.

This commenter agrees with the Commission's tentative conclusions in Paragraphs 19 and 20 of the NPRM; accordingly, the number of VE's required to conduct any examination session should be reduced from three (3) to two (2). Going further, because this commenter proposes to allow VE's to upgrade amateur radio operator classes through ULS, if the Commission agrees with this commenter's proposal to

do so, this commenter further recommends that both VE's must sign onto ULS and concur in any particular applicant's initial issuance of license and/or upgrade.

Question 8 – Remote Examination per Paragraph 22 of the NPRM.

This commenter agrees with the Commission's tentative conclusions in Paragraphs 21 and 22 of the NPRM. Remote examination is long overdue. Any examinee must already have their FRN, and the VEs must already have their FRN. By using the FRN as a login together with the password already established within the FCC's ULS, there is no logical, technical, or factual reason examinations could not be remotely administered, recorded, and upgrades handled within ULS. There is no need for cost-benefit analysis: most major regionally accredited colleges and universities are already proof of the concept. That the Commission has on some previous occasions already permitted this practice suggests its practical value.

Question 9 – Emission Type Expansion per Paragraphs 24-28 of the NPRM.

This commenter agrees with the Commission's tentative conclusions to enable FXD and FXE emission types. This commenter suggests that the Commission consider F7E as an allowed emission type. This commenter further suggests that digitizing voice, visual, and other emission types generally renders the practice of dividing the amateur bands into this-or-that emission type rather pointless and moot; accordingly, regulation by emission type should pass in favor of emission by bandwidth...

VLF & LF - No emission greater than 1.1 kHz wide.

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| MF | - | No emission greater than 2.8 kHz wide below 1.8 MHz.
No emission greater than 8 kHz wide above 1.8 MHz |
| HF | - | No emission greater than 8 kHz wide below 29 MHz.
No emission greater than 20 kHz wide above 29 MHz. |
| VHF | - | No emission greater than 25 kHz wide. |
| UHF | - | No emission greater than 8 MHz wide. |
| SHF | - | Emissions maintained within the band. |
| EHF | - | Emissions maintained within the band. |
| Above EHF | - | Emissions maintained within the band. |

PART THREE - CONCLUSIONS AND RECOMMENDATIONS

This commenter generally agrees with the Commission's tentative conclusions where presented throughout the NPRM; however, the commenter believes the Commission could create a much more efficient and streamlined means of administering the amateur radio service which will avoid the complexities the NPRM would necessarily involve by considering lifetime licensing, automating the upgrading process, and remote examinations with ULS receiving immediate updating. Further, there is no reason to deny F7E, FXD, and FXE emission types to the amateur radio service. Accordingly, this commenter's recommendations are somewhat different, and are as follows...

- Licenses in the amateur radio service are valid for the lifetime of the operator from their date of issuance, unless suspended or revoked for cause;
- Former licensees have twelve (12) years from the date their previous licenses expired to apply for reinstatement of that license (which has a lifetime duration);
- Licenses automatically lapse at the death of the operator, and therefore, do not have to be surrendered by the operator's family for cancellation (personal comment: this is distasteful in the immediate aftermath of a loved one's death);

- VE's/VEC's have secure access to the amateur radio portion of the Commission's ULS database to administer upgrades of licenses when an operator passes higher levels of examination.
- Approve F7E, FXD, and FXE emission types while considering a Further Notice for Proposed Rulemaking to eliminate emission-type regulations in favor of bandwidth-governed emission regulations.

Respectfully Submitted:



October 13, 2012

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Commenter & Licensee