



Federal Communications Commission  
Washington, D.C. 20554

October 31, 2012

Nicholas B. Proy  
P.O. Box 499  
Finksburg, MD 21048

Dear Mr. Proy:

On August 16, 2012, we received a Petition for Rule Making (Petition) from you. In summary, the Petition asks the Commission to amend the amateur service rules to change the term of an amateur radio operator license from ten years to either twenty years or the lifetime of the licensee and to make conforming changes to the vanity call sign system rules.<sup>1</sup>

On October 2, 2012, the Commission released a *Notice of Proposed Rule Making (Notice)* in WT Docket No. 12-283<sup>2</sup> that, among other things, proposed to give former licensees lifetime examination credit for the element or elements they passed to obtain their former operator licenses.<sup>3</sup> Conversely, the Commission also sought comment on whether, instead of amending the rules to allow lifetime element credit for expired licenses, it should simply extend the grace period for renewal for a substantial length of time (such as to ten years).<sup>4</sup> While the *Notice* does not specifically propose to extend the term of an amateur service operator license to twenty years or the lifetime of the licensee, significantly extending the grace period for renewal, if adopted, would have a similar effect. Comments and reply comments on the *Notice* are due by January 23, 2013.

Both the Petition and the *Notice* address the issue of the term for which an amateur licensee or applicant should be eligible for licensure. For this reason, we find that the request in your Petition would be better addressed as a comment in the *Notice* proceeding, rather than in a separate rulemaking proceeding. Therefore, we will place a copy of your Petition and this letter in the Docket file as a comment in WT Docket No. 12-283.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Scot Stone".

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>1</sup> See 47 C.F.R. §§ 97.25, 97.19(c)(3).

<sup>2</sup> Amendment of the Amateur Service Rules Governing Qualifying Examination Systems and Other Matters, *Notice of Proposed Rule Making and Order*, WT Docket No. 12-283, FCC 12-121 (rel. Oct. 2, 2012).

<sup>3</sup> *Id.* at para. 12.

<sup>4</sup> *Id.* at para. 13.



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Received & Inspected

AUG 16 2012

FCC Mail Room

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 change license term from  
10 years to lifetime or in the alternative  
extend the license term to 20 years

RM-\_\_\_\_\_

To: The Federal Communications Commission

PETITION FOR RULE MAKING

Summary

Current Federal Communications Commission ("FCC" or "Commission") rules and regulations that govern the term of an amateur radio operator license are in need of review and amendment. As currently written, FCC regulations currently call for "normally. . . a 10-year term" for amateur radio licenses.<sup>1</sup> After the ten-year term, a licensee may renew his or her amateur radio license for another ten year term without examination. To require a license renewal every ten years places an administrative burden on both the Commission and licensees.

Discussion

1. Amateur Radio License Terms Currently are not Definitive

As stated above, FCC regulations currently call for "normally. . . a 10-year term" (emphasis added). The Commission, when promulgating the current 47 C.F.R. § 97.25,

<sup>1</sup> 47 C.F.R. § 97.25, entitled "License Term," states "An amateur service license is normally granted for a 10-year term."

WTB  
AUG 16 2012

recognized that the ten year term limit is not definitive and absolute, as the regulations allow for license terms longer or shorter than the “normal” ten year term. Webster’s dictionary defines “normally” as “according to the rule, general custom, etc...”

Therefore, the commission recognizes that license terms may be lengthier or shorter than the “general custom” of ten years.

## 2. General Radiotelephone Operator Licenses are Lifetime Terms

Currently, General Radiotelephone Operator Licenses (“GROL”) are issued for the licensee’s lifetime.<sup>2</sup> The Commission, in promulgating the current § 13.15(b), recognized that license renewals, in certain circumstances, place unnecessary administrative burdens on both the licensee and the Commission:

The Commission concluded that the renewal process imposed an unnecessary paperwork and filing fee burden, inasmuch as licensees’ continued competency is not in any way assessed upon renewal, and there was no reason to treat those licenses differently from those that already had lifetime terms.<sup>3</sup>

The license renewal process for amateur radio licenses, which would be identical to GROL license renewal if GROL license renewal was still required, does not re-assess the licensee’s competency, as no examinations are required to renew an amateur radio license. The Commission and amateur radio licensees could both benefit from being alleviated of the unnecessary burden of renewing amateur radio licenses every ten years.

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<sup>2</sup> 47 C.F.R. § 13.15(b), entitled “License Term,” states “General Radiotelephone Operator Licenses, Restricted Radiotelephone Operator Permits, Restricted Radiotelephone Operator Permits-Limited Use, GMDSS Radio Operator’s Licenses, Restricted GMDSS Radio Operator’s Licenses, GMDSS Radio Maintainer’s Licenses, GMDSS Operator/Maintainer Licenses, and Marine Radio Operator Permits are normally valid for the lifetime of the holder.”

<sup>3</sup> WT Docket No. 10-177, FCC 10-154 at 3, citing GMDSS Third Report and Order, 21 FCC Rcd at 10305.

### 3. This Petition is Substantially Different from RM-11629

The Anchorage Volunteer Examiner Coordinator (“VEC”) filed a Petition for Rulemaking, which was accepted by the Commission in docket RM-11629. In RM-11629, the Petitioner requested lifetime credit for previous examinations, **not** lifetime license grants.

In order to obtain an amateur radio license, an individual must pass an examination.<sup>4</sup> The issue presented in RM-11629 is the length of time the Commission should give credit for examinations that were successfully completed by a licensee, but the examination in and of itself was not sufficient to issue a license upgrade to the amateur radio licensee.

The issue presented in this Petition is the **license term** of a license once earned by a licensee, and **not** the process involved in obtaining a license or an upgrade of an existing license.

### 4. Licensees are Already Required to Maintain a Current Mailing Address

It could be argued that by requiring a license renewal every ten years the Commission will have accurate address data for every licensee. Current regulations already require licensees to maintain a current and valid mailing address.<sup>5</sup> Therefore,

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<sup>4</sup> 47 C.F.R. § 97.501, entitled “Qualifying for an Amateur Operator License,” states “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.”

<sup>5</sup> 47 C.F.R. § 97.23, entitled “Mailing Address,” states “Each license grant must show the grantee's correct name and mailing address. The mailing address must be in an area where the amateur service is regulated by the FCC and where the grantee can receive mail delivery by the

licensees **already** have a duty to maintain a current address regardless of whether or not their license is due for renewal.

#### 5. Vanity Call Signs and Cancelling a License Upon Licensee's Death

Some may argue that by granting a lifetime license grant, the vanity call sign system will suffer. The vanity call sign system allows an eligible amateur radio licensee to apply for a new call sign of his or her choosing, as opposed to being issued a systematic call sign by the Commission. Typically, call signs that are shorter are more desirable to amateur radio operators because they are easier to both speak phonetically and easier to tap out in Morse Code.

The Commission currently allows an individual to cancel the license of a deceased amateur radio operator.<sup>6</sup> If a lifetime license term were to be afforded to amateur radio operators, these vanity call signs would sit in "active" status, where in reality the licensee could be deceased for many years. This, however, would not have any effect on the **availability** of the deceased licensee's call sign because the vanity call sign applicant could cancel the deceased licensee's license. I believe the burden should be placed on the vanity

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United States Postal Service. Revocation of the station license or suspension of the operator license may result when correspondence from the FCC is returned as undeliverable because the grantee failed to provide the correct mailing address."

<sup>6</sup> 47 C.F.R. § 97.31, entitled "Cancellation on Account of the Licensee's Death," states:

"(a) A person may request cancellation of an operator/primary station license grant on account of the licensee's death by submitting a signed request that includes a death certificate, obituary, or Social Security Death Index data that shows the person named in the operator / primary station license grant has died. Such a request may be submitted as a pleading associated with the deceased licensee's license. See section 1.35 of this chapter. In addition, the Commission may cancel an operator / primary station license grant if it becomes aware of the grantee's death through other means. No action will be taken during the last thirty days of the post-expiration grace period (see section 97.21(b) of this chapter) on a request to cancel a license due to the licensee's death.

(b) A license that is canceled due to the licensee's death is cancelled as of the date of the licensee's death."

call sign applicant to determine whether or not the licensee of the call sign they wish to obtain is living or deceased. After all, the purpose of the vanity call sign system is to allow an individual to choose a call sign of his or her, which would not change. If the previous licensee is deceased, the vanity call sign applicant will be able to cancel the deceased licensee's license by using already established principles and regulations that are already in effect and used today.

Lastly, I am not requesting a change in the procedure for a family member of the deceased to obtain the call sign of a relative:

Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, step-parent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with a written statement of consent signed by either the licensee ante mortem but who is now deceased or by at least one relative, as listed above, of the person now deceased, the call sign shown on the license of the person now deceased is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license grant, whichever is sooner. (47 C.F.R. § 97.19(3))

A lifetime amateur radio license term would not affect these family members because the two year requirement would still remain in full force and effect.

#### 6. The Vanity Call Sign Fee Would no Longer be Necessary for Renewals

Currently, license holders of a vanity call sign (as discussed above) must pay a fee when applying for a vanity call sign and the renewal of the vanity call sign. While I do not contest the fees associated with the application fee for a vanity call sign, if lifetime license terms were in effect, the fees associated with renewing the vanity license would be unnecessary. After all, renewing a vanity license would no longer be necessary if the license's duration is for the licensee's lifetime. Without a renewal of the license, there cannot be any fees associated with renewing the license.

If a licensee would like to obtain a different vanity call sign, the licensee would have to file a new application and pay a new vanity call sign application fee.

#### 7. Licensees are Already Afforded Two Years After License Expiration to Renew

Current regulations allow an amateur radio licensee two years after the expiration of their amateur radio license to renew their license at their previous operating class.<sup>7</sup> It is important to note, however, that this very rule also prohibits the licensee from using amateur radio frequencies while their license is expired.

By affording a grace period after license renewal, the Commission recognizes that license renewal is more of an administrative task. Otherwise, the Commission would require an expired license holder to re-take the examinations in order to obtain an amateur radio license immediately after the expiration of his or her license.

#### 8. Alternative Twenty Year License

If, for some reason, the Commission is unwilling or unable to provide amateur radio licensees with lifetime licenses, then, for the reasons stated above, I am requesting the Commission to amend the regulations and allow for twenty-year license terms as an alternative to lifetime license terms.

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<sup>7</sup> 47 C.F.R. § 97.21(b), entitled “Application for a Modified or Renewed License Grant,” states “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.”

## Conclusion

Amateur radio license terms, which are currently ten years in duration, should be extended to lifetime license grants or, in the alternative, extended to license grants of twenty years to reduce the unnecessary burdens on both the Commission and the licensee of renewing amateur radio licenses every ten years.

Pursuant to 47 C.F.R. § 1.407 and § 1.411, I respectfully request the Commission to commence rulemaking proceedings based upon this Petition and issue a Notice of Proposed Rule Making in a timely manner amending the rules governing amateur radio license terms.

Respectfully Submitted,



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## APPENDIX A

### Proposed Rules

Current Rule: 47 C.F.R. § 97.25:

An amateur service license is normally granted for a 10-year term.

Proposed Rule: 47 C.F.R. § 97.25:

An amateur service license is ~~normally granted for a 10-year term~~ granted for the lifetime of the licensee.

Alternative Proposed Rule: 47 C.F.R. § 97.25

An amateur service license is ~~normally granted for a 10-year term~~ granted for a 20-year term.

Current Rule: 47 C.F.R. § 97.19

...

(3) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, step-parent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with a written statement of consent signed by either the licensee ante mortem but who is now deceased or by at least one relative, as listed above, of the person now deceased, the call sign shown on the license of the person now deceased is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license grant, whichever is sooner. . . .

Proposed Rule: 47 C.F.R. § 97.19

...

(3) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, step-parent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with a written statement of consent signed by either the licensee ante mortem but who is now deceased or by at least one relative, as listed above, of the person now deceased, the call sign shown on the license of the person now deceased is not available to the vanity call sign system for 2 years following the person's death. ~~or for 2 years following the expiration of the license grant, whichever is sooner. . . .~~

Current Rule: 47 C.F.R. § 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. . . .

Proposed Rule: 47 C.F.R. § 97.21

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