

Communications Commission
Washington, D.C. 20554

Notice of Proposed Rule Making and Order)) In the Matter of)) Amendment of the Amateur Service Rules) Governing Qualifying Examination Systems) And Other Matters))	FCC Docket No. 12-121 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)) Request for Temporary Waiver))	RM-11625
Amendment of the Amateur Service Rules) Governing Vanity and Club Station Call) Signs)	WT Docket No. 09-209

To the commission:

Comments of Frederick L. Stiles – WF4LS
December 19, 2012

Introduction

In a lengthy and convoluted NPRM such as this one, it is easy to lose sight of first principles. Thus I will frequently refer to the Basis and Purpose of the Amateur Radio Service as set out in FCC Regulations §97.1 and summarized here:

- a) value to the public as a voluntary noncommercial communication service, particularly ... emergency communications;
- b) contribution to the advancement of the radio art;
- c) advancing skills in communication and technical phases of the art;
- d) expansion of the existing reservoir ... of trained operators, technicians ...; and
- e) enhance international goodwill.

Any consideration of changes such as those proposed in the present NPRM must be done in the context of these principles.

The act of licensing an individual concurrently does two things. Of course, it offers the licensee privileges not available to the general public with respect to utilization of the radio spectrum. However, it also represents the FCC's assertion that the person granted the license possesses the requisite knowledge and skills to satisfy the basis and purpose principles listed above and to operate a station safely and within the relevant rules and regulations. There is clearly a *quid pro quo* involved here.

Despite the numerous examples to be found in science fiction, our current technology does not allow us to look inside the mind of an individual to ascertain whether the person actually possesses that knowledge or those skills. Instead we must turn to surrogates. The most important surrogate is, of course, the set of three element exams administered by the various volunteer examiner coordinators (VECs). The other surrogate is the presumption that an individual who continues to participate in amateur radio activity *as evidenced by periodic license renewal* also continues to maintain the knowledge and skills.

Surrogates are never perfect. Arguments could be made that the content, the multiple-choice format, the passing score requirement and the use of question pools in the exams all offer room for improvement. However, I don't think many people would seriously suggest that the exam process is failing to perform its function. The problem addressed in the current NPRM is whether there is a need for the second surrogate – evidence of continued participation in amateur radio activity – and whether license renewal is an appropriate way to measure that. The positions on that question really come down to two views: a) once you have mastered the material (as evidenced by passing the exam) you retain sufficient knowledge and skills for life regardless of the actual utilization of that knowledge and skills, or b) a failure to actually utilize knowledge and skills guarantees that they will fade with time. In addition, the knowledge and skills requirements themselves will change over time, again requiring a level of participation just to keep up.

I am clearly in the second camp. I firmly believe that knowledge acquired forty years earlier and placed on the shelf is knowledge lost. I am also convinced that both the knowledge base of electronics and the regulatory environment of bandwidth demands and emission modes has and will continue to change dramatically with each passing decade. A clear example would lie in the new emission types (e.g. PSK31) which would sound like background noise to an operator from the 1960's. It's what I would call the Rip Van Winkle effect. If you passed a ham exam and then took a forty year nap you would wake up woefully lacking in the knowledge and skills to safely and effectively operate a ham station without interference to other licensed (and increasingly, unlicensed) services. You would not be prepared to contribute to the five components of the basis and purpose of the amateur radio service. In simpler terms: Use It Or Lose It.

Examination Credit

Having stated my rationale, I now turn to practical considerations. First among these is the question of just how long can someone delay their participation in amateur radio before they have lost too much or before the requirements have changed too much. There is no hard evidence to look to. The discussion above suggests that we need to think in terms of a decade and, indeed, the current regulatory situation allows twelve years (ten year license term plus two year grace period). I believe it would be reasonable to extend that period for renewal of an expired license a bit – perhaps out to five years without doing any serious harm. Others in my circle have suggested various means to allow ten years for renewal for a total period exempt from reexamination of twenty years. To me that is on the long side but still reasonable. What I absolutely do not find reasonable is an unlimited period for renewal of an expired license (or any equivalent mechanism).

As to the question of whether periodic license renewal is a satisfactory surrogate for active participation, I would respond that, while not perfect, it is probably the best available. Submission of logs, lists of meetings attended, field day activity, contests, etc. might provide more information. However, given the enormous variety of activities that draw individuals to amateur radio it would be nearly impossible to develop a practical means of assessing these submissions. The process of license renewal is simple to track and consistent across all interest areas.

Grace Period and Vanity Call Signs

We now come to the question of balancing the demands for an extended renewal period (to avoid reexamination) and the demands for shortening the period before expired call signs become available to the vanity call sign system. To deal with this most effectively we need to separate the period for regaining license privileges from the period for retaining a particular call sign. Using the FCC ULS it should be possible to continue to honor the current two year grace period to renew a license *with the same call sign*. Beyond that two year period, it should be possible to permit a license renewal without any guarantee of the same call sign for an additional extended period – up to, say, eight more years. Beyond that time, a reexamination should be required. This two tier renewal arrangement would not involve the local Volunteer Examiners (VEs) in the evaluation of very old credentials, and the opportunities for fraud inherent in such a process.

To reduce the delay in making available call signs to the vanity call system for deceased hams, I would recommend that the FCC subscribe to the Social Security Master Deceased List. I would suggest that the call sign in those cases would become available one year after the date of death to allow family members and clubs to apply for the signs. In the same manner, call signs explicitly relinquished by any ham (including those relinquished by assignment of a replacement call sign) could also become available after one year.

With the arrangement suggested above there would be no need for any ham to be reexamined within a twenty year period. This could be handled entirely by the FCC

within the scope of the ULS. There would be no need to involve the VE community in the problematic issue of evaluating credentials from various sources of questionable validity (e.g. a poor copy of a page from a forty year old Call Book). There would be limited opportunity to fraudulently present old license credentials from a different person with the same name (possibly a ham's grandfather), etc. It would substantially extend the time available to regain operating privileges without extending delays in making call signs available to the vanity call system. Finally, it would not provide for an indefinite period of renewal for persons who have not retained the knowledge and skills necessary to operate a station.

§97.505 Old Technician License for Element 3

In this context, I also believe it is time to eliminate the provision of §97.505 providing element 3 credit for persons holding a Technician License issued before February 14, 1991. This provision has long since served its purpose. Eliminating it would also be entirely consistent with the twenty year aggregate limit on utilizing exam credit stated above.

Validity of CSCEs

On the issue of the lifespan of the Certificate of Successful Completion of an Exam Element (CSCE), I would seriously question whether the CSCE is still needed now that the element 1 (code) exam is history. In today's context, the successful completion of an exam almost always results in the certification of eligibility for a new or upgraded license on the NCVEC 605. In most cases the result of the 605 will show up in the FCC database within two weeks (more typically one week). Where a newly licensed ham expresses an intention to sit for a higher level element exam within that short window, the ham could be given a copy of the completed NCVEC 605 as evidence of passing the lower level element. About the only circumstance where the CSCE might still be useful would be a hamfest context where multiple exams are given in quick succession. It might be possible for a ham to pass a higher level element and not pass a lower level element (and thus not qualify for a new or upgraded license on the 605). I suspect a minor modification of the NCVEC 605 could accommodate this situation. There seems little justification in retaining the CSCE documents which, I might add, are not consistent from one VEC to another and which generally double the paperwork involved in a VE exam session.

A Plea for Guidance

IF the FCC chooses to go forward with the proposal to require VEs to give examination credit to any applicant who "can demonstrate that he or she formerly held a particular class of license," then I would plead with the FCC to set out strict guidance on precisely what documentation would be necessary for that "demonstration." I believe the current wording essentially leaves the local VEs twisting in the wind. If they refuse to accept a dubious form of proof they have no legal basis to employ in their defense and if they approve what turns out to be a fraudulent "proof" they are equally defenseless against a charge of malfeasance by the FCC. I strongly feel the issue of retained knowledge and skills stated above is the more important reason for limiting the period and means of

renewal without reexamination. However, this issue of validation of proof of holding an old, expired license absent consistent source documents is a second, sound reason to avoid the proposed practice of giving exam credit at VE sites based on demonstration of having formerly held a particular class of license.

Examination Administration

The remaining issues are much simpler. In general I would not favor an across-the-board reduction of the requirement of three VEs to administer a session. I have personally witnessed too many situations where it was the third VE that caught a significant error in grading an exam. While I have not seen any situations of undue pressure placed on any VE to approve something questionable, I can certainly see how it could happen with only two VEs. I think the requirement for three VEs should remain in place in most circumstances. However, I do believe there are circumstances where an exception should be made. I think the National Conference of Volunteer Examiner Coordinators (NCVEC) should put together some guidelines so that there can be some consistency and then allow an examination to proceed with two VEs provided that the exception is preapproved by their VEC. The FCC should receive a brief annual report from each VEC of the approved exceptions (including the relevant NCVEC guideline justifying each exception) and the FCC should, of course, be empowered to enforce more strict guidelines or suspend any VEC's authority to make exceptions. I take it as a given that at least one of the two VEs involved in a two VE exam would be Extra Class and would prefer that both be.

Remote Testing

On the question of remote administration of license exams, I am generally in favor of careful exploration of this option. Once again, I believe that leadership on this question should come from the NCVEC. There should be guidelines for both valid reasons for making an exception to allow a remote administration and guidelines for how the examination is to be conducted. Again, brief annual reports should be given to the FCC and the FCC should be empowered to enforce more strict guidelines and suspend the privilege of remote administration for any VEC. The use of non-VE-certified proctors at the remote site (including non-hams) should be allowed provided that other uniform means are employed to assure their integrity.

Emission Types

Finally, I concur with the proposal to allow emissions with the designator FXE and FXD in any band (or sub-band) where TDMA is allowed. It makes no sense to exclude either of these. I would also recommend that other, similar emission types be permitted (e.g. F7E) so long as the aggregate bandwidth is appropriate to the particular band under consideration. This is clearly an area where amateur operators can contribute to the art and it is very often the experimentation of amateurs that proves or disproves the utility of a particular emission type in a given part of the spectrum. I offer no opinion on the related waiver request.

Thank you for your consideration of this lengthy comment.