

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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 Governing Vanity and Club Station Call Signs)	WT Docket No. 09-209
)	

To: The Commission

Comments of Stephen J. Melachrinos, W3HF

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

Summary:

- I continue to support the concept of permanent credit for examination elements
- I offer comments in response to specific questions asked by the Commission.
- I do not support either the change in the two-year waiting period for vanity call signs to 180 days, or the reduction in the two-year grace period for renewals to 180 days.

Discussion:

These comments only address section A of the subject NPRM. I offer no comments on the other sections.

1. I supported RM-11629 (as evidenced by the comments I filed with the commission in that proceeding), and I support the provisions of WT Docket 12-283 with respect to Examination Credit (section A).
2. The fundamental premise of my support for this NPRM is that it provides for “equitable treatment” of persons who have passed amateur radio tests. Over the years, the Commission has eliminated any requirements for continuing technical competence or on-the-air experience from the license renewal process; renewal is simply a paperwork exercise, albeit one that must be done within a certain time frame in order to retain a license. This NPRM recognizes that the same principle can (and should) be applied to licensees who, for whatever reason, failed to renew their licenses within the prescribed time periods. Although the paperwork required would be different, it provides the same legal recognition of credit for a previously-passed exam to all licensees and former licensees. In my opinion, that equal treatment is the cornerstone of this NPRM.
3. In paragraph 7 of the NPRM, the Commission asks for comments on the cost and time savings that would be incurred by applicants if this NPRM were implemented. “Permanent credit” would, in fact, reduce certain costs of applicants, such as the purchase of study materials and a reduction in time spent studying for an exam. And there is also a small cost savings to the VEs/VECs in a reduction in exam materials and time spent administering exams. But it can also be argued that unless the applicant has retained his/her license records, we may simply be trading the cost/time of studying and retesting for the cost/time of finding and securing documentation of the expired license. I do not believe that a financial argument is necessary for this NPRM to be a good idea. The “equitable treatment” perspective discussed in comment 2 above does not require that the NPRM accrue financial benefits.
4. In paragraph 7 of the NPRM, the Commission asks for comments on “whether particular documentation or safeguards should be required.” It is worth noting that the current rules grant credit for expired pre-1987 Technicians, and past rules (from 2000-2007) granted Morse code credit to expired Novices and Technicians-with-code (2000-2006) and to expired Generals, Advanced, and Extras (2006-2007). Those rules do/did not require specific documentation or safeguards. Instead, they simply required “proof of license.” This (appropriately) left the definition of proof to the VECs, who provided guidance to their VEs. This is a proven process, and should be the implementation for this NPRM also.
5. In paragraph 8 of the NPRM, the Commission asks if the reasons stated by the Commission for declining to offer similar credit in 1997 should still apply. In 1997, the Commission noted that the requiring retesting does not impose a hardship on applicants. While that continues to be true, I believe that “hardship” is not the appropriate perspective to take, so avoidance of hardship should not be the question. The question is fairness, the equitable treatment of licensees and applicants, as addressed in comment 2 above. The Commission’s proposal remedies this. (Note that this comment is not intended to address the case of a disabled applicant, for which the testing process may

clearly impose difficulties. Accommodation of disabled applicants is not the subject here, and is adequately addressed in current Commission rules and VEC procedures)

6. In paragraph 9 of the NPRM, the Commission asks for comments on whether to retain the current element 3 credit for pre-1987 Technicians, whether “there [are] any remaining holders of expired pre-1987 Technician Class licenses who intend to seek [upgraded] licenses.” As part of the License Restructuring R&O in April 2000, the Commission allowed old radio amateur callbooks to be used to provide proof of old licenses. As the owner of a large collection of radio amateur callbooks, I have offered a free service of providing such proof. My personal experience is that I continue to receive one or two requests per month to provide proof of pre-1987 Technician licenses. Furthermore, these questions come up frequently in various online forums where I have offered “expert” advice. I do not know what fraction of the amateur licensing “universe” this represents, but I can state for an absolute fact that yes, there ARE remaining holders of pre-1987 Technician Class licenses that seek to upgrade. Furthermore, the implementation of this NPRM will result in even more applicants who will want to claim their “permanent credit.” And the “equitable treatment” discussion above means we MUST continue to offer the (element 3) credit that these applicants earned when they were issued their original Technician licenses (and not just the element 2 credit that a more recent Technician Class licensee would accrue).

7. In paragraph 9 of the NPRM, the Commission also asks for comments on whether to make provision for Conditional Class licenses (as I had suggested in my comments to RM-11629). Unlike the pre-1987 Technician case discussed in comment 6 above, I have no specific numerical evidence for former Conditional licensees because there is almost no precedent for granting credit to expired Conditionals. (The sole exception is the “permanent Morse” credit that existed from December 2006 until February 2007.) But I do note that several times per year I deal with pre-1967 Technician Class licensees for which I can not provide proof of their Technician license. Callbooks prior to Fall 1967 do not explicitly list license class, so the only license class that is definitive is a Novice (because of the distinctive prefixes that were used then). So although they are listed in the callbook (and thus have SOME sort of non-Novice license), I can’t prove it was a Technician Class license and not a higher grade. But this indicates that there still exist applicants that return to the amateur radio service after a 45-year absence. And if this is true for former Technicians, it is reasonable to presume that former Extras, Advanceds, Generals, and Conditionals may return after 45 years. Eliminating or omitting credit for Conditionals would save a single word in Part 97, at the cost of disenfranchising an entire class, and this violates the “equitable treatment” premise that I consider fundamental to this NPRM. Therefore I continue to recommend the inclusion of the Conditional Class license in the list of expired licenses that would grant permanent credit. It is worth noting that although I mentioned in my comments to RM-11629 the class A/B/C structure that existed prior to July 1951, I did not recommend extending credit to those licenses. Although I do receive research requests for pre-1951 cases, I have never received a question regarding documenting them for a relicensing. This implies that there is an effective “sunset” date after which a license class could be eliminated from the rules. But my experience is that although 60 years is enough, 45 years is too soon.

8. In paragraph 10 of the NPRM, the Commission asks whether similar permanent credit should be granted based solely on a completed CSCE in the absence of proof of a license grant. The simple answer to this is no. The licensing process includes VEC oversight of test results prior to a license being issued. Granting credit based solely on a CSCE bypasses that oversight. Although the argument offered by the Commission in the NPRM (“the passage of a year does not substantial[ly] affect the...examinee’s knowledge”) is true, it is not a reason to subvert the oversight function of the VECs within the licensing process established by the Commission. The validity period of CSCEs is also related to the record retention periods imposed on VEs and VECs. Extending the validity period of CSCEs without extending the record retention period would create situations where CSCEs could not be verified. And all of the old CSCEs issued prior to any records retention period change would not be verifiable. This creates an opportunity for fraud that would not exist if only issued licenses provide permanent credit. It is difficult to fraudulently present a license when callbooks and FCC records provide independent verification; in contrast, it would be a relatively simple matter for someone to “fake” a CSCE, knowing that there would be no simple means for it to be validated.

9. This perspective also helps resolve the Commission’s concerns about confusion between the effective periods for temporary operating privileges and element credit granted by the CSCE if the CSCE effective period were extended. The current rules do not appear to cause any confusion—the amateur community understands them quite well—and they need not be changed. For these reasons, the rules regarding CSCEs should not be changed as part of this NPRM.

10. I do not support reduction of vanity wait period to 180 days as proposed in paragraph 15 of the NPRM. As the Commission noted in the NPRM, there were many reasons for implementing the current two-year waiting period for vanity grants: the two-year grace period for renewals (which I address in the following paragraph), confusion in over-the-air identification, accuracy in licensee data base, to accommodate QSL bureaus, and to preclude trafficking in licenses. Progress has been made in many of these areas, but two areas are still troublesome to me. I believe over-the-air identification could still be a problem with call signs reissued after only six months. Although access to online databases is now routine, not all operators have immediate access to such databases while on the air. And as a frequent user of QSL bureaus, I can state with certainty that reissuing call signs after six months will result in misdirected QSLs, incurring additional costs for the previous licensee, the new licensee, and/or the bureau personnel.

11. My thoughts are mixed about the reduction in the two-year grace period for license renewals to 180 days. I agree that 180 days should be “a sufficient period of time for individuals who forget to renew or experience unforeseen difficulties when renewing their licenses.” But if the vanity wait period is NOT reduced (as I recommend in comment 10 above), I question whether there is a benefit to a reduction in the grace period; I can not identify one, while I CAN identify a drawback. During the grace period, a licensee can renew without VE/VEC intervention. While a former licensee would be able to obtain a new license using the “permanent credit” rules, he/she would incur

additional costs/time in appearing before the VEs and in VE processing fees (for most VECs). Furthermore, he/she would incur the cost of a vanity application to request his/her former call sign (and for all subsequent renewals), even if the original call sign had not been a vanity call sign. In effect, what is now a simple renewal (which could be implemented interactively on the ULS solely by the licensee) would be converted into a new license grant (involving the licensee, VEs, and a VEC) and potentially a vanity call sign application. In the absence of any other benefits of shortening the grace period, I believe the additional costs and complexity of this conversion to applicants are compelling. Therefore I oppose any reduction in the grace period that would make it shorter than the vanity wait period.

Respectfully submitted,

/s/ Stephen J. Melachrinos
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21 December 2012