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Via ECFS Filing Only

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Oral Ex Parte Presentation, RM-11708; WT Dockets 12-283 and 09-209; RM-11715; WP Docket 08-63; and ET Docket 13-84.

Greetings.

On Wednesday, March 19, 2014, Mr. David Sumner, the Chief Executive Officer of ARRL, the national association for Amateur Radio (ARRL), with the undersigned, General Counsel for ARRL, met with staff members of the Commission's Wireless Telecommunications Bureau (WTB). Attending on behalf of WTB were Mr. Roger Sherman, Chief; Mr. Roger Noel, Chief, Mobility Division, WTB; Mr. Scot Stone, Deputy Chief, Mobility Division, WTB and Mr. William Cross, Mobility Division, WTB.

The purpose of the meeting was to discuss a pending rulemaking petition and various open docket proceedings that have in ARRL's view a substantial potential impact on the Amateur Radio Service. The agenda that was distributed by ARRL at the meeting to all Commission meeting attendees is attached. Also attached is a memorandum that was distributed concerning WT Docket 12-283. The memorandum summarizes all points made by ARRL representatives at the meeting concerning that docket proceeding.

With respect to RM-11708, ARRL noted the benefits to the Amateur Radio Service from the proposed elimination of the symbol rate limit in the rules governing emissions in the high-frequency bands in the Amateur Service.

Relative to RM-11715, ARRL noted its concern about interference to Amateur Service operations from a proposed allocation for a Part 90 allocation and service rules for broadband operation in the 10.0-10.5 GHz band.

ARRL representatives asked the status of pending Petitions for Reconsideration filed by ARRL in WP Docket 08-63. We were notified that the matter was exclusively being handled by the Public Safety and Homeland Security Bureau and there was no longer shared jurisdiction in this proceeding with WTB.

ARRL representatives noted that a pending Office of Engineering and Technology proceeding, Docket 13-84, proposing changes to rules and policies governing human exposure to radiofrequency energy had a potentially significant adverse effect on Amateur Radio licensees operating licensed stations from their residences. This discussion was presented solely for informational purposes.

Questions concerning the foregoing ex parte statement or the attachment hereto should be addressed to the undersigned counsel.

Yours very truly,

Christopher D. Imlay
General Counsel, ARRL

Attachment

MATTERS FOR DISCUSSION

March 19, 2014 Meeting with Roger Sherman, Esq.
Chief, Wireless Telecommunications Bureau

David Sumner, K1ZZ, Chief Executive Officer
ARRL, the national association for Amateur Radio

Chris Imlay, W3KD, General Counsel, ARRL

► ARRL in its Centennial Year; a report on current initiatives.

► Overview of current legislative and regulatory issues in the Amateur Service.

► RM-11708; ARRL Petition for Rule Making to delete restrictions on symbol rates for data communications and to establish a 2.8 kilohertz maximum occupied bandwidth for data emissions below 29.7 MHz.

► WT Dockets 12-283 and 09-209; RM-11625 and RM-11629; Amendment of the Amateur Service Rules Governing Qualifying Examination Systems and Other Matters; Amateur Use of Narrowband TDMA Part 90 equipment in the Amateur Service; Examination Session Remote Proctoring. (Outline of ARRL Position attached).

► RM-11715; Mimosa Networks, Inc. Petition for Rule Making, proposing Part 90 Mobile allocation in the 10.000-10.500 GHz band.

► WP Docket 08-63, ReconRobotics, Inc. Video and Audio Surveillance System at 430-450 MHz (Pending ARRL March 6, 2012 Petition for Reconsideration of February 6, 2012 letter order of the Mobility Division, modifying a 2010 waiver authorizing the sale and marketing of the Recon Scout device).

► ET Docket 13-84; Reexamination of RF exposure regulations. FCC proposal to subject the Amateur Service to a "general exemption" table for conducting a routine environmental review of a proposed new or modified station configuration.

WT Docket No. 12-283
Amateur Radio Examination Policies and Procedures

► The VEC system has been meeting the needs of the Amateur Radio community for nearly 30 years. It works exceptionally well with minimal involvement by and without funding from the Commission. The Commission has wisely chosen to allow this successful program to suggest its own minor regulatory changes from time to time rather than to impose changes itself.

► The Commission's Mobility staff has stated publicly at a conference of the NCVEC that "the 14 VECs of the NCVEC are serving the FCC and public competently and provide an abundance of exam opportunities. Therefore, additional VEC organizations are not needed."

► The proposed reduction in the minimum number of administering/certifying VEs per examination from three to two is not premised on any quantified shortage of examination opportunities. There is not now any such shortage numerically. Examination opportunities are widely available geographically.

► The NPRM, at paragraph 19, claims that the VEs and VECs have "almost eliminated examination grading and application completion errors and that fraud or abuse has been minimal." Based on this unquantified claim, the Commission tentatively concludes that "the required number of administering VEs can now be reduced without jeopardizing the integrity of the amateur operator license examination system. The conclusion does not follow from the premise.

► While the overall integrity of the VE program is relatively high, that is so largely because of the three-examiner requirement. Absent a factual, quantified record established in this proceeding which demonstrates that there are numerous instances of examination unavailability, the Commission should not take any action in this proceeding that will predictably lead to compromises in the integrity and the perceived integrity of the VE program.

► The ARRL-VEC administers approximately 73 percent of Amateur examinations. The W5YI-VEC administers approximately 18 percent of Amateur examinations. Together, the two VECs administer approximately 91 percent of all examination opportunities. Both VECs have filed comments in this proceeding stating opposition to the proposal for reduction in the number of VEs per examination session from 3 to 2.
► The clear consensus within the VE community, among those VEs who are accredited with ARRL-VEC is to leave the three-examiner rule intact.

► During the pre-restructuring era, Morse telegraphy examinations made it easier for VECs to detect compromised examination sessions. This detection is now very difficult, and it is seldom that VECs can ascertain examination integrity information from the session paperwork or multiple choice exams. VECs rely on their examiners to prevent fraud or report fraudulent activity to the VEC or FCC. Having *three* examiners substantially *decreases* the likelihood of conspiratorial action to compromise an examination session. Decreasing the number of VEs required to conduct an exam session will further reduce our ability to detect fraud and will

increase the ability to compromise an examination. This rule preserves the integrity of the program.

► The Commission's enforcement resources are inadequate to address any significant increase in compromised examination sessions. The self-regulatory nature of this program is absolutely dependent on deterrence, and the three-examiner requirement is a critical element of the compliance effort going forward.

► Reducing the number of VEs from three to two would not necessarily result in an increase in the number of exam sessions in the very few areas that could benefit from additional exam opportunities. Remote testing procedures in those very few areas would, on the other hand, make sessions more accessible and would directly address the issue of examination availability without increasing the risk of compromising an examination session, or the perceived integrity of the VE program.

► Affording lifetime examination element credit for prior license holders would be a significant burden to the VEC system. The VE program was not designed or equipped to shoulder the burden of proof of prior licensing or prior examination credit.

► The VECs are not financially able to shoulder this burden, nor do we have adequate records or the ability to track or authenticate prior examination element or licensing information. The Commission requires VEC record retention for only 18 months. The Commission's license records are also limited and are available only to the mid-1960s.

► The Communications Act permits Volunteer Examiners to administer exams. It does not permit them to process license applications or to authenticate documents for that purpose. That is a Commission function.