

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of the Amateur Service Rules Governing Vanity and Club Station Call Signs)	WT Docket No. 09-209
)	
Petition for Rule Making: Amateur Radio Service (Part 97))	
)	
Petition to Change Part 97.19(c)(2) of the Amateur Radio Service Rules)	
)	
To: The Commission		
Via: Office of the Secretary		

**COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated (ARRL), by counsel and pursuant to the *Notice of Proposed Rule Making*, FCC 09-102, released November 24, 2009 (75 Fed. Reg. 3886 *et seq.*) (the Notice), hereby respectfully submits its comments and additional proposals with respect to the Commission’s proposals to amend the Amateur Service rules to clarify procedures and codify policies that the Commission uses to administer vanity and club call signs in the Amateur Service. In the interests of Amateur Radio licensees in these call sign assignment programs, ARRL states as follows:

I. Introduction

1. The proposals contained in the Notice are relatively straightforward, and ARRL is supportive of most of them, with certain clarifications noted in these comments. The Notice provides a good background of the vanity call sign system. The Commission has

done a very good job of administering this program since its inception in 1995. It was a success and a service that is appreciated by the Amateur Radio community. The ability of an Amateur licensee to choose a particular call sign is a matter of pride and satisfaction; it represents an accomplishment for the licensee and a level of personal achievement. The regulatory fees assessed for the use of these vanity call signs over the course of a ten-year license term, though variable, have been nominal. The process is working well.

2. It is understood that this proceeding is intended to codify those administrative policies related to the vanity call sign system that have, for the most part, been utilized as a matter of fact up to the present time, but which have been announced only in “starting gate” public notices that were issued at the inception of the program and not mentioned otherwise. The program is now mature, and those public notices are no longer sufficient to make interested parties aware of the mechanics and application procedures utilized in the program. It is timely indeed to codify those policies and to take all other necessary steps to increase the transparency and fairness of the program for all concerned. The Commission is to be congratulated for the initiative and for its responsiveness to the needs of the Amateur community in connection with the vanity call sign program.

3. Due to the resumption of club station licensing through the vanity call sign system in 1995, there are rules unique to those licenses that should be updated at the same time. There are aspects of Amateur club licensing that should be changed, especially related to club trustees, as discussed hereinbelow. The goal, again, is to have rules that promote fairness and continuity in an Amateur Radio club’s operations. With respect to the Notice proposals regarding club licensing and club call signs, ARRL is generally in agreement, again with but a few clarifications.

4. Perhaps of greater concern, however, are issues not raised by or addressed specifically in the Notice, but which pertain to the sequential, vanity and special event call sign programs. ARRL has recently studied these programs, and the rules and assignment policies that have been in place for many years now. This study identified several changes that could be made that would increase the number of desirable call signs available for assignment, both sequentially and in the vanity call sign program, and which would provide greater flexibility in the temporary assignment of special-event call signs in the Amateur Service. There are aspects of all three Amateur call sign assignment systems which justify additional revisions in the rules, and which would eliminate certain inequities which now exist. These issues are, as will be seen, not specifically related to the proposals contained in the Notice, but they derive from the same circumstances: there is a scarcity of, and thus competition for, desirable permutations of call signs (principally the “Group A” call signs).¹ For this reason, and because there are historical reasons for certain policies pertaining to call sign formats and assignment mechanisms which need not continue, it is timely to address additional issues in this proceeding. These additional issues relate to updating, clarifying and improving the various call sign assignment systems, as do the Notice proposals. This proceeding, in ARRL’s view, provides an appropriate and timely vehicle for additional rule changes in call sign assignment processes in the Amateur Service. Therefore, following ARRL’s comments on the Notice proposals below, ARRL offers some additional proposals as well. Some of these can be implemented in a report and order in this proceeding. Some might perhaps be reserved for a further Notice of Proposed Rule Making in this proceeding in the near future. Each

¹ The Group A call signs are in the 1x2 and 2x1 format, and a 2x2 format beginning with AA-AG prefixes and AI-AK that are not sequentially assigned.

of these proposed changes, however, is sufficiently related to call sign administration in the Amateur Service as to make them appropriate suggestions for consideration herein.

5. ARRL is cognizant of the fact that any proposed change in the call sign assignment system which is not set forth in the Notice may necessitate software changes in the Commission's Universal Licensing System (ULS), which is used in the call sign assignment programs administered by the Commission. ARRL is also aware that the Commission is in the process of developing a new comprehensive database system in the near future that will replace the ULS, and the Commission may be understandably reluctant to make substantial software changes in the ULS now, prior to its near-term replacement. It may be that some of the ARRL's additional proposals for call sign administration changes contained herein will be best implemented at the time the new licensing database system is implemented. In that case, the rule changes proposed herein should be adopted in advance of that replacement system, so that the software development associated therewith could at the outset take into account the Amateur call sign assignment changes proposed herein.

II. The Notice Proposals

6. The first series of proposals in the Notice pertain to deceased licensees' call signs. The Commission proposes at paragraph 6 of the Notice to codify (in Section 97.21 of the Rules) the existing procedure for the Commission's cancellation of a license (and therefore the process by which a call sign ultimately becomes available for reassignment) upon notification to the Commission of the licensee's death. The Notice states that a person may request cancellation of an operator/primary station license grant due to the licensee's death by submitting a signed request that includes a death certificate, obituary,

or Social Security Death Index (SSDI) data clearly showing that the licensee has died. This is the process that the Commission has used as a matter of fact, and the proposal in the Notice to codify it does not appear to raise any new issues. The procedure ensures that there are objective criteria for death notifications. The Notice would also clarify that a license that is canceled due to the licensee's death is deemed to have been canceled as of the date of death, regardless of when the licensing database is updated to reflect the licensee's death. That too has been the consistent policy shown in the Public Notices, and ARRL concurs that the process is appropriate.

7. The Commission next, at paragraph 7 of the Notice, proposes to modify the process for making a call sign available when the license is canceled more than two years after the licensee's death. The Commission proposes to withhold the availability of that call sign for reassignment to another licensee until 30 days have passed after the staff updates the licensing database to reflect the licensee's death. This will ensure that the decedent's call sign is unavailable for reassignment in the vanity call sign system for a period of at least thirty days after the staff takes action to cancel the license. The goal is to allow the assignability of a desirable call sign to become known publicly, and to provide a fair opportunity for all licensees to be able to apply for the call sign. Absent this change, the availability of the call sign may be known only to a few people, who would have an advantage over other potential applicants in obtaining assignment of the desirable call sign. ARRL is supportive of the change, as it creates a fair and transparent system for call sign assignment.

8. The Notice proposes, at paragraphs 10 through 15 to codify several exceptions to the two-year waiting period normally required before the call sign associated with a

canceled license becomes available for reassignment. First, it is proposed to codify the “former holder exception” – the entitlement of a licensee who previously held that call sign to reacquire it without waiting two years after the previous holder’s license has been canceled. Second, it proposes to define “in-law” to include only a parent or stepparent of a licensee’s spouse; a licensee’s spouse’s sibling; the spouse of a licensee’s spouse’s sibling; or the spouse of a licensee’s sibling, child, or stepchild. Each of these proposals is consistent with current and prior administrative policy and both proposals are reasonable. A person who was assigned a call sign in the past should be given a preferential opportunity to have it reassigned to him or her. Close relatives of a deceased licensee should be in a position to permit a licensee to obtain a decedent’s call sign on a preferential basis. The proposed definition of an “in-law” as one of the “close relatives” is specific, objectively determinable and appropriate.

9. However, the Notice also proposes to limit the availability to clubs of a deceased licensee’s call sign (so-called “*in memoriam*” call signs) to those clubs of which the deceased was a member. The Commission has been allowing an exception to the two-year waiting period to apply for a canceled call sign for club stations requesting the call sign of a deceased licensee. A prerequisite for this exception to the two-year waiting period is that the club station trustee applying for the call sign must have the written consent of a close relative of the deceased. The exception was intended (according to the Notice) to be available only to clubs of which the deceased was a member, but that eligibility criterion was never incorporated in the rules. While the Notice characterizes this as codifying existing policy, the proposed clarification raises other practical questions. Assuming that this rule change will increase the likelihood that an *in*

memoriam call sign grant to a club might be challenged by an individual or another club which would like to have the call sign assignment, the proposed rule seems to require some further clarifications. It might be asserted, for example, that the decedent was not actually a member of the club *at the time of his or her death*. It is not clear from the Notice proposal whether or not the phrase “*was a member of the club*”² requires that the decedent’s membership was current as of the time of the holder’s death. There are several reasons why a membership might have lapsed prior to the death of the licensee whose call sign is at issue that would not be relevant to (and should not bear upon) a club’s desire to honor the individual in memoriam, and it appears that the decedent’s club membership need not be current at the time of his or her death, as long as the decedent was a bona fide member of the club at some time during his or her life. Neither is it clear from the Notice what evidence of membership is necessary to establish the club’s entitlement to an *in memoriam* call sign. Would it be sufficient if the close relative providing the consent made such an assertion? Would the club trustee or an officer of the club’s attestation be required? Some objective showing might avoid conflicts in the future.

10. Existing Commission policy is that, where a vanity call sign for which the most recent recipient was ineligible is surrendered, cancelled, revoked or voided, the two year requirement does not apply to applications thereafter for that same call sign. The Notice proposes to clarify that there is not a new, two-year waiting period when an ineligible licensee surrenders a call sign. ARRL certainly agrees that a two-year waiting

² See the Notice, at paragraph 13 and the Appendix, at Section 97.19(c)(3)(iii), which excepts from the two-year waiting period for applications for a cancelled license call sign applications filed by “... 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 in (ii) of the person now deceased, provided that the deceased licensee was a member of the club;...”

period should not commence upon the surrender of a call sign that was erroneously granted to an ineligible applicant. However, the availability of these “recaptured” call signs should be withheld for a period of 30 days (as per the procedure proposed by the Commission at paragraph 7 of the Notice for notice of cancellation of a decedent’s call sign), so that everyone has a chance to know that the erroneously granted and recaptured call sign has become available again. The same justification, transparency and fairness, demands that everyone have a chance to know that the call sign of the ineligible person has become available again for assignment, so the 30-day notice period should apply. The Appendix to the Notice, Section 97.19(c)(2), should be modified to include this provision.

11. A change in the trustee of a club license is an often encountered issue, which is addressed by the Notice at paragraphs 16 and 17. ARRL has noticed occasional instances in which a club trustee severs his or her relationship with the club, and a dispute arises over who is entitled to retain the club license and call sign. The Commission proposes to require that applications requesting a change in trustee include documentation signed by an officer of the club when the application is submitted to the Club Station Call Sign Administrator (CSCSA). All other applications would be submitted by the trustee of the club license. For purposes of club station licensing, a club is a group with at least four persons and that has a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with Part 97. A licensee trustee is designated by the club to hold the club station license. This proposed rule would, without Commission intervention in the private affairs of an Amateur Radio club, and without adjudicating individual licensing disputes, avoid the

situation in which a club and a trustee reach a parting of the ways. The rule would prevent the departing trustee from making off with the club license and call sign, or refusing to agree to a change in trustee. It would also conveniently address instances in which a trustee becomes incapacitated. The presumption underlying this proposed rule is that the club should have the ability to protect its entitlement to (and control of) its own license, and ARRL suggests that this is the proper premise. The proposed Section 97.21(a)(1) states that an application to change a trustee must come from an officer of the club, and that any other application to modify a club station license must come from the trustee. The existing Commission form requires the signature of a responsible club official other than the trustee, *in addition to the trustee* – even though the rules apparently do not require it. It is assumed that if the Notice proposal is adopted, the form will be modified appropriately.

12. While ARRL does support this proposed rule change, it is notable that the term “club officer” is not defined by the Commission. In order to ensure that the “club officer” is in fact representative of the club, and to ensure that the Commission’s goal in enacting this rule is fulfilled, ARRL urges that in order to change a club license trustee, the Commission require not one but *two* “club officer” signatures, neither of whom shall be the trustee being replaced, nor the replacement trustee. This would inhibit collusion between the replaced trustee and one of the club officers who may be seceding from the club together, without creating any additional administrative burden for the club, the Commission, or the CSCSA. Therefore, ARRL suggests that the applicable sentence in proposed Section 97.21(a)(1) should be modified to read as follows: “An application to modify a club station license grant to change the license trustee name must be submitted

to a CSCSA by two officers of the club, neither of whom shall be the outgoing or the incoming trustee.”

13. The Notice would for the first time limit each Amateur club to one license grant and one call sign, except that clubs now holding more than one would be allowed to keep those already assigned to them. The proposal is a per-club limit rather than a per-trustee limit. The principal abuse that the Notice seeks to prevent is the situation, often encountered, in which a trustee holds a number (sometimes a large number) of preferred vanity call signs (typically Group A call signs, principally those in a 1x2 or 2x1 format), whether or not the call signs are in the name of the same club. The “hoarding” of large numbers of desirable call sign combinations is often arranged by the trustee for his or her own personal use. While ARRL is most sympathetic to the desire to stem occasional abuses, and is well-aware of the acute shortage of Group A call sign combinations,³ the proposed remedy in the Notice is problematic, and ARRL recommends against it. The problem with a blanket limitation on club licenses and call signs is that many clubs have, for example, more than one station (such as a club that operates numerous repeaters). Those clubs have a legitimate need for more than one call sign. Furthermore, the proposed limit would not be sufficient to stem instances of “hoarding” desirable call signs through multiple club licenses. A person could bypass this rule simply by creating multiple clubs. There is no limit on the number of clubs that a group of four persons can form.

14. Since the premise for this proposed rule is that there is a shortage of preferred format call signs, the rules should provide a means of inhibiting the perceived problem of

³ As is more fully discussed below, the underlying premise for many of the Notice proposals, and for the ARRL’s additional proposals herein, is an acute shortage of call signs in preferred formats, principally Group A call signs.

an individual obtaining multiple vanity call signs in those formats in his or her role as the trustee of a club. ARRL offers the following counterproposal: the Commission should prohibit clubs from applying for new Group A call signs, with the exception of *in memoriam* call signs. Existing Group A call signs held by clubs should be grandfathered. ARRL has a series of other proposals discussed below intended to alleviate the shortage of Group A and other call sign permutations. However, the most direct method of stemming any abuses by club stations or trustees holding large numbers of preferred call sign combinations is to preclude clubs from applying for call signs in the Group A format, save for *in memoriam* call signs. This solution is significantly less burdensome on Amateur clubs than the Notice proposal would be, and it deals directly with the fundamental problem sought to be addressed.

15. The final proposal in the Notice, at paragraph 19, is to allow Novice class Amateur licensees to serve as club station trustees. The principal argument in favor of this change is that it would simplify the rules somewhat, and the Notice states that the prohibition was historical, inasmuch as Novice class licenses were, years ago, not renewable, and therefore Novice class licensees were unsuitable to serve as club station trustees. The practical effect of this proposed deregulation would be minimal, because few clubs will want a Novice class licensee to be the trustee of their club station. Such stations would be subject to cumbersome station identification requirements when the station is operated outside the trustee's operating privileges by a control operator with a higher class of license, per Section 97.119(e) of the Commission's rules. In light of that, ARRL does not oppose the proposal.

III. ARRL's Additional Proposals

16. As noted above, the underlying premise for the Notice proposals is the shortage of Amateur Radio call signs in the preferred formats. There is competition among radio amateurs for these call signs. Hence, there is a need for procedures establishing a fair assignment process and procedures that are transparent. The following proposals are, in ARRL's view, a necessary adjunct to the clarifications and modifications set forth in the Notice. ARRL's counterproposal to the Commission's suggested limit of club stations to one license grant and one call sign per club is part of this plan to increase fairness in the administration of Group A call signs. The proposals below will in general increase the availability of call signs in these preferred permutations.

17. The first of these proposals is to expand the pool of available Group A call signs by permitting the first character of a two-character Group A call sign suffix to be a numeral as well as a letter (for example, W23A). As the result of modifications to the ITU Radio Regulations adopted in 2003, such call signs are now available for assignment Amateur Stations in the United States. Since 2x1 and 1x2 format call signs are at a premium in all call areas now (and some permutations are fully assigned), this would allow a substantial additional number of call signs in this format to be assigned as part of the vanity call sign blocks available to Extra Class licensees. Though consistent with the international Radio Regulations, Section 2.302 of the Commission's Rules would, however, have to be changed, as that rule Section does not permit Amateur call signs in the two-number format. This proposal would not create any confusion relative to television broadcast translators or low power television stations, which use two-letter

suffixes after the two numbers, which signify a television channel number. Nor would it conflict with FM broadcast translators, which utilize three numbers (ranging from 200 to 300, designating FM broadcast channel numbers), followed by two letters. It is desirable and possible to increase the pool of Group A call signs by adding this new format to the pool of available call signs for assignment to Extra Class licensees.

18. The Commission's rules, at Section 97.23, require that each license grant must show a mailing address in an area where the Amateur Service is regulated by the Commission and where the grantee can receive mail delivery by the United States Postal Service. This is of course an important requirement for licensing. The requirement of a mailing address for a licensee does not, however, justify the total withholding of assignment of large blocks of call signs using prefixes that are now associated exclusively with offshore areas, such as United States territories, where a licensee cannot receive mail. There are numerous call sign blocks that are not assigned by the Commission because the prefixes presently designate uninhabited areas where mail is not delivered. This makes large numbers of call signs unavailable for assignment to anyone.

19. Given this, and given the need to expand the blocks of desirable call signs, the Commission should allow assignment of the AH/KH/NH/WH and KP/NP/WP prefix call sign blocks not already subject to assignment in offshore areas that do have postal addresses. ARRL suggests the following assignment allocation of additional prefixes:

Guam:	KH1, KH2, KH3 (and AH1-3, NH1-3 and WH1-3)
Hawaii:	KH4, KH5, KH6, KH7 (and AH4-7, NH4-7 and WH4-7)
American Samoa:	KH8 (and AH8, NH8 and WH8) ⁴
Marianas	KH9, KH0 (and AH9,0, NH9,0 and WH9,0)

⁴ This represents no change in the current call sign block for American Samoa.

Puerto Rico:	KP3, KP4, KP5, KP6, KP7, KP8 (and NP3-8 and WP3-8)
Virgin Is:	KP1, KP2, KP0 (and NP1,2 and 0, and WP1,2 and 0)

This plan would permit call sign blocks that are now not assigned to be deployed efficiently. It is entirely consistent with Section 97.23 of the Commission's rules requiring the availability of a usable mailing address before call signs designating certain locations are assignable.

20. The Commission should require (by affirmation on an application) that applicants for Group A vanity call signs are United States citizens. Existing Group A calls are being assigned regularly to non-US Amateur licensees, who hold them as a matter of prestige, but might only use them occasionally; only on a single occasion; or not at all, ever. This problem is most significant in the Pacific Islands. In some of the KH/NH/WH call sign blocks, for example, non-U.S. citizens now have assigned to them more than half of the permutations in the Group A format. Non-U.S. citizens who obtain United States Amateur licenses can be assigned call signs in the 2x3 or 1x3 call sign formats without any difficulty for them, and the Group A block can be reserved for United States citizens. The proposed affirmation of citizenship in the vanity call sign application form is not a burdensome requirement and in general should not require the expenditure of Commission enforcement resources. While ARRL suggests that the application should have a check box to indicate United States citizenship, constituting the applicant's affirmation, proof of citizenship need not be required at the time of the application. It is not proposed that presently issued vanity call signs held by non-U.S.

Citizens be withdrawn, but only that henceforth, no new Group A vanity call signs in the Group A formats would be issued to non-U.S. citizens.

21. The Commission should make available the 2x3 callsign block beginning with N to vanity call sign applications. This will permit the assignment of a large number of desirable combinations of call signs in that format. As well, in order to expand the pool of available call signs, the Commission should permit the issuance of three-letter suffix call signs with the prefixes WC, WK, WM, WR and WT, none of which are now being assigned.

22. Finally, perhaps in a later, separate proceeding, but soon, the Commission should examine the call sign formats available for special event call signs, with an eye toward modification of Section 97.3(a)(11)(iii) of the rules to expand the blocks available for such call signs beyond the 1x1 format. While there are sufficient special event call signs for temporary assignment by the private sector special call sign administrators now, the one format now permitted for such is limiting for those Amateurs who wish to have a call sign that can be used to commemorate a particular event. International Radio Regulations are very generous with regard to special event call signs. At WRC-03, the ITU Radio Regulations concerning this were amended to read: "On special occasions, for temporary use, administrations may authorize use of call signs with more than the four characters referred to in No. 19.68." The Commission's regulations, by contrast, are quite restrictive in this respect. It is time to reexamine this program to determine where deregulatory changes can be implemented to increase flexibility in the program.

IV. Summary and Conclusions

23. The Commission's proposals in this proceeding are well-taken. With the exception of the proposal to limit the number of license grants and call signs a single club can be assigned, ARRL supports the Notice proposals. ARRL supports the license cancellation procedures for deceased licensees; the timing of the availability of the deceased licensee's call sign; the proposed exception to the two-year waiting period for former holders of a call sign; and the proposed definition of an "in-law". A two-year waiting period should not apply to a call sign that has been surrendered after assignment to an ineligible applicant. However, there should be a thirty-day waiting period after the Commission's staff updates the licensing database, for the same reasons that such notice period applies when a deceased licensee's call sign is made available for reassignment.

24. There should continue to be an exception to the two-year waiting period for an *in memoriam* club station call sign when a close relative has consented thereto, provided that the deceased licensee was a *bona fide* member of the club at some time during the decedent's life. The Commission should clarify that it is not necessary for such procedure that the decedent be a member of the club at the time of the decedent's death. It should also be clarified what attestations are required for the assignment of an *in memoriam* call sign to a club. As to club station license modifications, two officers of the club, neither of which should be the new trustee, should be required on any application to change a club trustee. Other modifications should be made only by the trustee of that club license. It should not be prohibited for a Novice class Amateur licensee to serve as a club station license trustee.

25. The Commission should *not* limit an Amateur club to one station license grant and one call sign. ARRL's alternative proposals for making available new call signs in preferred formats address the root problem, which is the scarcity of such preferred call sign formats. These proposals include the prohibition, except for *in memoriam* call signs, of Group A call signs to club stations; and expanding the pool of available Group A call signs to make available for assignment those in which the first character of a two-character suffix is a numeral, in addition to those in which the first character of the suffix is a letter. In offshore areas, prefixes that are assigned to locations without postal addresses and prefixes that are unassigned should be made available in the offshore areas that do have postal addresses. Applicants for Group A vanity call signs should be required to affirm henceforth that they are United States citizens.

26. Finally, the Commission should make available the 2x3 call sign block beginning with N to vanity call sign applications, and it should permit the issuance of three-letter suffix call signs with the prefixes WC, WK, WM, WR and WT.

27. With the foregoing additions, the Commission will have comprehensively updated the call sign assignment system for the Amateur Service and provided for continued growth of the Service. It will also have enhanced the pride and satisfaction of licensees in their personal achievements in the radio art.

Therefore, the foregoing considered, ARRL, the national association for Amateur Radio, respectfully requests that the Commission enact those of the Notice proposals that are consistent with the foregoing, in accordance with the accommodations recommended

herein, and to adopt (or propose to adopt in a further notice of proposed rule making) the additional proposals set forth hereinabove.

Respectfully submitted,

ARRL, the national association for Amateur Radio

225 Main Street
Newington, CT 06111-1494

By: Christopher D. Imlay
Christopher D. Imlay
Its General Counsel

Booth, Freret, Imlay & Tepper, P.C.
14356 Cape May Road
Silver Spring, MD 20904-6011
(301) 384-5525

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