



Federal Communications Commission  
Washington, D.C. 20554

August 9, 2010

DA 10-1464

Mr. Eric R. Hilding  
P.O. Box 1700  
Morgan Hill, CA 95038-1700

Dear Mr. Hilding:

This is in response to the petition for rulemaking that you filed on November 13, 2009 (Petition). You request that Part 97 of the Commission's Rules be amended to prohibit the false or unauthorized use of an amateur radio call sign. For the reasons set forth below, we dismiss the Petition.

The Petition primarily expresses concern about the misappropriation of call signs on internet bulletin boards.<sup>1</sup> You state that this should be considered a form of identity theft, and you propose that Part 97 be amended to prohibit any misrepresentation or unauthorized use of someone else's amateur call sign "over the public airwaves, Internet packet cluster system posting, cellular or non-cellular telephone connections, electronic based communications or print media formats of any other nature."<sup>2</sup>

Part 97 of the Commission's Rules regulates only the amateur radio service. Regulations regarding other forms of communications would be beyond the scope of Part 97. Given that Part 97 already prohibits amateur stations from transmitting false identification,<sup>3</sup> we conclude that the rules already address the misuse of amateur call signs to the appropriate extent, and that your Petition presents no grounds for amending Part 97.

Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by Eric Hilding on November 13, 2009, IS DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>1</sup> See Petition at 3-4.

<sup>2</sup> *Id.* at 2. You also propose that any person violating this prohibition be barred from holding any Commission license. *Id.* at 3.

<sup>3</sup> See 47 C.F.R. §§ 97.113(a)(4), 97.119(a). Moreover, the Commission already can suspend the license of an operator who transmits a call sign not assigned to his or her station. See 47 U.S.C. § 303(m)(1)(a)(D)(2).