

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the matter of:)
)
Amendment of Part 97 of the) RM-10620
Commission's Rules to allow changes for)
Novice and Advanced class licensees.)

COMMENTS OF RICH EYRE-EAGLES, K7REC

Comes now, Rich Eyre-Eagles, K7REC respectfully submits the following comments in the above captioned proceeding. For the reasons herein, I oppose this proposed rulemaking in part.

In this proceeding, Dale Reich ("petitioner") is asking for amendments to Part 97 to allow for additional recognition for Novice and Advanced Class amateur radio operators and, among other things, afford them an automatic upgrade to a higher-class license without the administration of an examination. Let's take a look at various aspects of the Petitioner's proposal.

Novice Access to 2 meters

A part of this proposal calls for Novice class operators to regain privileges that they had back in the 1950's and the 1970's. The Petitioner must realize that a lot has changed since the 1950's. Back in the 1950's, the landscape on the VHF bands, especially 2 meters was a lot different than it is today. We did not have the repeaters and other modes, such as packet during that era. To some, it was still the final frontier. The Petitioner's request for access to 145-147 MHz does not correspond with any current band-plan and will continue to preclude the operator from certain repeaters but allowing them to operate on others. This would also introduce modern Novice class operators to modes of operation that have not been tested on, such as the Amateur-Satellite Service.

When Novices were given access to the 220 MHz band, the actual sub-band that they were given access to corresponded to a national band plan. Novice Enhancement, was it it's time, a way to make the entry-level license class more attractive. Since the

codeless technician license, the Novice license became less attractive and eventually it was phased out.

Novice Access to 6 meters

I personally do not recall a time when Novice class operators had access to the 6-meter band. However, just like with the 2-meter proposal, this 6-meter proposal does not conform to modern conditions on the 6-meter band.

FCC Violations

The Petitioner is suggesting that licenses be automatically upgraded under the condition that no FCC violations occur. The Petitioner goes on to define “no serious FCC violation” as a violation of any rule or regulation within the jurisdiction of the FCC. The petitioner goes on to put the field Engineers in Charge (EIC) into a policy-making role.

We have recently seen recent cases of “Serious FCC Violations” as defined by the Petitioner as well as cases where hearings were held to determine a licensee’s character to continue being a Commission licensee based on actions by the licensee that may be within¹ or outside² the jurisdiction of the Commission.

I feel that “Serious FCC Violations” should be handled the way they are today, through hearings, forfeitures, suspensions and revocations.

License credit by virtue of age

By allowing automatic upgrades by virtue of age, the Commission would be endorsing an act of age discrimination. The Amateur Radio Service is not a social welfare program and persons over the age of 62 have just as many opportunities in the

¹ - See *Leslie D. Brewer* (16 FCC 12878).

² - See *Kevin David Mitnick Licensee of Station N6NHG in the Amateur Radio Service for Renewal of Station License* (67 FR 5122) (2001), also see *Herbert L. Schoenbohm* (17 FCC 1369).

service as someone under 62. The Petitioner has not stated that someone over the age of 62 would have a physical disadvantage than someone over the age of 62. What the Petitioner also does not realize is that someone in their 60's who received a Novice license would have less experience in the Amateur service than someone who is 40 who received their license when they were 18. I see no credible evidence that someone over 62 should be given preferential access to the Amateur service.

Automatic upgrade of Advanced class licensees

I do however agree with the petitioner that all existing Advanced class licensees be upgraded to Extra class. This will result in one less license class and one less set of privileges that has to be administrated by the Commission. Advanced class licensees have already been tested on a majority of the Element 4 syllabus and therefore are capable of holding the full amateur privileges, especially in light of the recent relaxation of the code requirements. As an alternate plan, we ask that the Commission bring back the Element 4(b) examination solely for Advanced class licensees to upgrade to Extra.

Conclusion

I feel that this proposal is fatally flawed and will turn the Amateur Radio Service back to the 1950's. We need to be encouraging more people to come to the service and advance up the ladder of license class. Especially with the elimination of the 13 and 20 wpm code tests, upgrading is now much easier. If Novice Class operators want more privileges, it is very easy in many areas to find a VE session, take the test, pass the test and have instant privileges. The tests exist to prove merit; the process works without severe burden on the Commission and should not be changed.

However, in the case of Advanced class operators, these operators have already demonstrated their competence through the former Element 4(a) examination. If the Commission feels that an automatic upgrade is not appropriate, then the Commission should consider bringing back the Element 4(b) examination to allow for Advanced class upgrades.

Respectfully Submitted,

/S/

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