



## It Seems to Us

David Sumner, K1ZZ — [dsumner@arrrl.org](mailto:dsumner@arrrl.org)  
ARRL Chief Executive Officer

# The FCC Gets It Right

*“This page is critical of the Federal Communications Commission when criticism is called for. But we also believe in giving credit when it’s due.”*

In October 2012 the FCC opened a proceeding, WT Docket No. 12-283, in which it proposed a number of changes to its Part 97 rules. Most had to do with licensing and examinations, but one was in response to an ARRL petition, RM-11625, to loosen restrictions on Time Domain Multiple Access (TDMA) emissions. While the TDMA proposal was not controversial, some of the others raised concerns. On June 9, after considering the comments filed in response to its Notice of Proposed Rule Making (NPRM), the Commission released a Report and Order with its conclusions.

Ever since the Volunteer Examiner system was introduced 30 years ago, an exam session has required the presence of three VEs. In order to increase the availability of exam opportunities, the FCC proposed to reduce the required number from three to two. The ARRL and a clear majority of other commenters took issue with this, arguing that with tens of thousands of accredited Volunteer Examiners conducting hundreds of exam sessions every month there was in fact no shortage of opportunities that would justify a reduction in the perceived integrity of the licensing program. The FCC wisely decided to follow the advice of its Volunteer Examiner Coordinators and VEs and abandoned its proposal.

The rules currently require that “Each administering VE must be present and observing the examinee throughout the entire examination.” Occasional waivers of the “present and observing” requirement have been granted in order to offer exam opportunities in remote locations where three VEs cannot be physically present, but where an audio and video link can provide an adequate substitute. In its comments, the ARRL argued that remote proctoring of an exam is justified so rarely that the need can be met through waivers without being a significant burden on FCC staff. The Commission concluded instead that it was sufficient for the rules to require that “Each administering VE must observe the examinee throughout the entire examination” without specifying how that observation should take place. However, it also emphasized that “No VEC or VE will be required to conduct remote testing” and that “VECs may coordinate sessions only if they are certain that remote testing can assure the proper conduct and necessary supervision of the examination session.” The Commission went on to say, “we emphasize that the obligation under our rules of VECs and VEs to administer examinations responsibly applies in full to remote testing. In the event that their remote administration compromises the examination process, VECs can decertify VEs and we can terminate our agreements with VECs.” In other words, “We trust you to do it right — but there will be consequences if you don’t.” Fair enough.

The part of the proceeding that has generated the most interest after the release of the Report and Order has to do with the granting of examination element credit on the basis of expired licenses. After considering various alternatives, the Commission chose a middle path.

The Amateur Radio examination program currently consists of three written exam elements. Passing Element 2 earns the applicant a Technician class license; Element 3, a General; and Element 4 an Amateur Extra. Once the new rules take effect (30 days after publication in the Federal Register, a date that is not yet known as we go to press) the holder of an expired General, Advanced, or Amateur Extra class license who passes the Element 2 exam will be able to obtain additional HF privileges on the basis of the expired license. Former General and Advanced licensees will receive credit for Element 3; former Extras will receive credit for both Elements 3 and 4.

The Commission reasoned that this is consistent with how it treats individuals with expired pre-1987 Technician class licenses. In those days the written exams for the Technician and General class licenses were the same, the required Morse code speed being the only difference; therefore, for years it has been possible to upgrade from Technician to General simply by proving that your Technician license predated the separation of the Technician and General written exams into what were then known as Elements 3(A) and 3(B).

While its original proposal was to grant credit to holders of expired licenses without requiring further examination, in the end the Commission struck a balance between providing relief to prior licensees and ensuring that they have retained (or regained) their technical and regulatory knowledge. “Stated conversely,” the Commission said, “a former licensee who cannot pass Element 2 loses the presumption that he or she has retained sufficient knowledge of amateur radio rules and principles.” The Commission also decided that only expired licenses will be honored, not expired Certificates of Successful Completion of Examination (CSCEs).

The comments we are hearing on the Report and Order are overwhelmingly favorable. One question that has been posed is why former Advanced class licensees will only get credit for a General license. The answer is that a new license is being issued, not a reinstated license — and the Advanced class license is no longer available, even though current holders can still renew. In the past the ARRL has contended that the written examination for the Advanced class license was equivalent in scope and difficulty to the present Amateur Extra exam and that it would make sense to merge the two classes into one. The FCC has not as yet bought that argument and did not revisit the issue in this proceeding.

To read the 15-page Report and Order go to [transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2014/db0609/FCC-14-74A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0609/FCC-14-74A1.pdf).

*David Sumner, K1ZZ*