

W5YI

Nation's Oldest Ham Radio Newsletter

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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..and much, much more!

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FCC HOLDS COLE MANAGER CONFERENCE

Nine Commercial Radio Operator Examination Manager's (COLEMs) met in Gettysburg, Pennsylvania, on August 26 and 27th for what may become the first of many COLEM Conferences. Private Radio Bureau Chief, Ralph Haller, said the objective of the meeting was to make the transition of Commercial Radio Operator Examinations to the private sector as painless and as smooth as possible for everyone concerned.

The meeting began with the FCC's, Joy Alford introducing the participants. The nine COLE managers or their representatives in attendance were from: Drake Training and Technologies, Electronic Technicians Association International (ETAI), Elkins Institute, International Society of Certified Electronics Technicians (ISCET), National Association of Business and Educational Radio (NABER), Sea School, Sylvan Kee Systems, National Association of Radio Telecommunications Engineers (NARTE), and National Radio Examiners - the commercial testing division of The W5YI Group.

These nine COLEMs were chosen from more than sixty private organizations that applied to administer commercial radio operator testing. The COLE (Commercial Operator License Examination) System is patterned after the successful VEC testing system in the Amateur Service.

The FCC was well represented with many officials present from both their Washington, DC Private Radio Bureau and the Gettysburg, PA

licensing facility. Personal Radio Branch Chief Johnny Johnston pointed out the need for Commercial Radio Operator licenses. In addition to being required by many corporations as a condition of employment, the International Radio Regulations and FCC Rules of many services require licensed operators to operate, maintain and repair transmitting equipment.

These include the International Fixed Service (Part 23), AM, FM, TV or Auxiliary Broadcast Stations (Part 73), and certain aircraft (Part 87) and ship and coast radio stations (Part 80). Aircraft, ship and coast radio stations which operate only domestically on VHF frequencies, however, do not require a licensed commercial radio operator.

You need a commercial radio operator license to repair and maintain all ship, radar, coast, aircraft, domestic and international broadcast stations but not two-way mobile and personal radio equipment, cable TV relay or uplink/downlink satellite stations. The holder of a commercial radio operator license or permit is not authorized to operate amateur radio stations. Only a person holding an amateur radio operator license may operate an amateur radio station.

The FCC currently issues six types of commercial radio operator licenses (three radiotelephone and three radiotelegraph) and two types of endorsements. In addition, two new operator licenses, the Global Maritime Distress and Safety

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System Operator and Maintainer licenses will be coming on line next year.

Restricted Radiotelephone Operator Permit (RP) holders are authorized to operate most aircraft and aeronautical ground stations ... and marine radiotelephone stations aboard pleasure craft. They may also operate, repair and maintain any kind of AM, FM, TV or international broadcast station and even act as chief engineer or chief operator of a broadcast station. There is no examination requirement for an RP, but holders must be a legal resident, be able to speak and hear English, keep some sort of log and be familiar with the laws which govern the radio station they will operate. The RP, a lifetime license, is applied for on FCC Form 753.

Marine Radio Operator Permits (MROPs) are required to operate radiotelephone stations aboard certain vessels that sail the Great Lakes, aboard large ships and vessels that carry passengers for hire, aboard vessels that operate (sideband) on medium or high frequencies and certain aviation and coast radiotelephone stations. To be eligible for an MROP, you must be a legal resident, able to receive and transmit in English and pass a written examination (Element 1) covering basic radio law and operating procedures. MROPs are valid for a five year term. All applications for Commercial Radio Operator Licenses except the Restricted Permit use FCC Form 756.

General Radiotelephone Operator License (GROL) is required to adjust, maintain or internally repair transmitters in the aviation, maritime and international fixed public radio services. In addition to the all of the operating authority of the MROP, it also permits operation of maritime land or ship radio stations operating with more than 1,500 watts PEP and voluntarily equipped ship or aeronautical stations with more than 1,000 watts of peak envelope power. You must be a legal resident to be eligible for a GROL, be able to speak in English and pass a written examination covering basic radio law and operating procedures (Element 1) and electronics fundamentals and techniques required to repair and maintain radio transmitters and receivers. (Element 3). The GROL, which replaced the old First and Second Class Radiotelephone license on June 15, 1984, is now issued for the lifetime of the holder.

Third Class Radiotelegraph Operator's Certificate authorizes operation at certain coast radiotelegraph stations. It also confers the operating authority of both the Restricted Operator Permit (RP) and the Marine Operator Permit (MROP.) Besides being a legal resident and

fluent in English, you must pass Morse code receiving examination at 16 code groups and 20 words per minute plain language. It is not necessary to take a telegraphy sending test since the FCC has taken the position that if you can receive code, you also can send by hand. Written basic radio law (Element 1) and basic radiotelegraphy (Element 5) are required. All commercial radiotelegraph licenses are issued for a five year term.

Second Class Radiotelegraph Operator's Certificate authorizes the holder to operate, repair and maintain ship and coast radiotelegraph stations in the maritime services. It also confers all of the operating authority of the Third Class Radiotelegraph Operator's Certificate and the General Radiotelephone Operator License (GROL). You must pass Element 1 (Radio law and operating procedures for radiotelephony), Element 5 (Basic radiotelegraphy) and Element 6 (Advanced radiotelegraph). The telegraphy speed requirement is the same as for the Third Class Radiotelegraph Operator's Certificate. Amateur Extra Class operators receive examination credit for the code requirements of this license.

First Class Radiotelegraph Operator's Certificate is required only for those who serve as the Chief Radio Operator on a U.S. passenger ship. It also conveys all of the operating authority of the Second Class Radiotelegraph Operator's Certificate and the General Radiotelephone Operator License (GROL.)

To be eligible for this license, you must be 21 years old, have at least a year's commercial telegraphy experience and be proficient in English. Code requirement is 20 code groups and 25 words per minute plain language. The written examination requirements are the same as for the Second Class Radiotelegraph Operator's Certificate. Proof of experience must be submitted to the FCC along with the application.

No applicant may hold more than one radiotelegraph operator license, nor may a licensed radiotelegraph operator hold a Marine Radio Operator Permit (§13.11). The lower class operator license is cancelled when an applicant upgrades.

Ship Radar Endorsement may be placed only on General Radiotelephone Operator Licenses (GROL) or on First or Second Class Radiotelegraph Operator's Certificates. Only persons whose commercial radio operator license bears this endorsement may repair, maintain or internally adjust ship radar equipment. Besides holding one of the above licenses, you must additionally pass an examination (Element 8) in ship radar techniques.

Six Months Service Endorsement is required on the radiotelegraph operator's certificate of anyone who serves as the sole radio operator aboard large U.S. cargo ships sailing on the high seas. To be eligible for this endorsement, you must document that you have been employed as a radio operator on a properly equipped U.S. ship at sea for six months or more. You must not only hold either a First or Second Class Radiotelegraph Operator's Certificate during this period, but a Radio Officer's License issued by the U.S. Coast Guard at the time the six months service endorsement is requested.

There are other endorsements that can be added to licenses such as broadcast disclaimers and physical handicap restrictions.

Commercial Radio Operator testing

Johnston told the COLEMs that two sections of the Communications Act authorizes the FCC to privatize commercial radio operator testing. Section 303 gives the FCC authority to prescribe the qualifications of radio station operators and to issue them licenses; Section 4 authorizes them to "...accept and employ the services of persons that the Commission determines to be qualified" to prepare and administer commercial radio operator examinations.

The goal of the new COLE System is: (1) convenient exam opportunities, (2) uniform standards and (3) respect (high integrity).

While the COLE System is patterned after Amateur VEC testing, there are several significant differences. The Volunteer Examiner Coordinators maintain the question pools, the VEs give element credit, both screen applications for correctness. And there is a conflict-of-interest statute that is based on "publications." Volunteer examiners can not distribute license preparation materials and be an examiner for the same applicant.

The COLE System only requires Commercial Operator License Examination Managers (COLEMs) to train examiners to prepare and administer examination elements. The FCC maintains the questions and handles all other administrative functions. Examiners who also participate in amateur radio operator examinations are not permitted to mix Commercial and Amateur Radio Operator testing at the same time. They must be kept separate.

Both the VEC and COLE System prepares their examinations by randomly selecting a specified number of questions from each element or subelement. And as in the Amateur Service, all possible Commercial Radio Operator license exam questions and their multiple-choice answers are released to the public before use in

any examination.

The COLE System procedure is a two-step process. The COLEM (or their delegated examiners) collect the examination fee, administer the appropriate examinations and issue a "PPC" ...Proof-of-Passing Certificate. The PPC is the commercial equivalent of the VEC System's CSCE ...Certificate of Successful Completion of Examination. It allows examination credit for a period of 365 days from the date of the test.

The applicant completes the (FCC Form 756) application, attaches the original PPC and other credit documents and sends the paperwork to the FCC in Gettysburg, PA. The COLEM may act as the filing agent for the applicant, however.

The "other credit documents" are either a commercial or amateur radio operator license - or both. Amateur Extra Class operators receive credit for the telegraphy portion of the 2nd Class Radiotelegraph Operator Certificate. Thus an Extra Class Amateur Operator holding a MROP (Marine Radio Operator Permit) would only have to be administered Commercial Radio test Elements 5 and 6 to qualify for a Commercial 2nd Class Radiotelegraph ticket.

Commercial Radio Written Test Elements

Element 1: (formerly Elements 1 and 2) covers basic radio law and operating practice with which every maritime radio operator should be familiar. (24 multiple choice questions. Minimum correct to pass: 18 questions answered correctly.) Element 1 is the sole requirement for the MROP (Marine Radio Operator Permit) and a partial requirement for the GROL (General Radio Operator License), all radiotelegraph operator's certificates and both GMDSS licenses.

Element 3: General Radiotelephone. Covers electronic fundamentals and techniques required to adjust, repair and maintain transmitters and receivers at stations licensed by the FCC in the aviation, maritime and international fixed public radio services. (76 questions, pass: 57.)

Element 5: Radiotelegraph operating practice. Covers radiotelegraphy operating procedures and practices generally followed or required in other than in the Maritime Mobile Services of public correspondence. (50 questions, pass: 38)

Element 6: Advanced radiotelegraph. Covers technical, legal and other radiotelegraph matters including operating procedures and practices in the Maritime Mobile Services of public correspondence. (100 questions, pass: 75)

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Element 7: GMDSS Operator (Global Maritime Distress and Safety System). Covers new satellite-based emergency system due to be implemented next year. Includes GMDSS operating procedures and practices, regulations and equipment knowledge. (76 questions, pass: 57)

Element 8: Ship Radar Techniques. Covers proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes. (50 questions, pass: 38)

Element 9: GMDSS Maintainer. Covers installation, repair and maintenance of Global Maritime Distress and Safety System equipment. (50 questions, pass: 38)

Commercial Radio Telegraphy Test Elements

These examinations prove international Morse code proficiency at certain speeds using all letters of the alphabet, numerals 0-9, period, comma, question mark, slant mark, and prosigns: AR, BT and SK. Each examination must include every character at least once. The only acceptable answer format is copying one minute without an error. Each numeral, punctuation mark and prosign count as two characters. Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy.

Telegraphy Element 1: 16 code groups per minute (random characters) Pass: 80 consecutive characters.

Telegraphy Element 2: 20 plain language words per minute. Pass: 100 characters.

Telegraphy Element 3: 20 code groups per minute. Pass: 100 consecutive characters.

Telegraphy Element 4: 25 plain language words per minute. Pass: 125 consecutive characters.

Commercial Testing to Begin in September

The question pools for written Elements 1 and 3 will be available during September 1993. Written Element 5 and 6 required for the telegraph licenses is scheduled for release during November 1993. The balance of the question pools, however, will not be released until next year. The Ship Radar Endorsement (Element 8) question pool is scheduled for April 1994. The GMDSS Radio Maintainer (Element 9) and GMDSS Radio Operator question pool (Element 7) will not be available until February and May 1994. After that period, the FCC may once again look into revising the Element 1 and 3 question pools.

The COLEMs were authorized to begin testing for the General Radiotelephone Operator License as

soon as the Element 1 and 3 question pools were available and their examiners were trained.

Each COLEM must maintain and submit an annual record of expenses and revenues for the prior calendar year to the FCC's Personal Radio Branch. A quarterly report must also be submitted on January 15, April 15, July 15 and October 15 indicating the number of examination sessions, number of examinees, number of each element administered and passed.

Each of the nine COLEMs have submitted their own test fee schedule which has been approved by the FCC. A COLEM may not increase test fees without FCC approval - although exam fees may be reduced at anytime. The National Radio Examiners division of the W5YI Group said it would be charging \$35.00 per license - \$15.00 of which would be shared with each of its more than 200 COLE Test Centers located across the nation.

Other FCC presentations

Bill Cross, program analyst in the Personal Radio Bureau gave a presentation to the COLEMs on the procedures they should follow when administering Commercial Radio Operator License examinations. The functions of a COLEM and their examiners are:

Announcing examination sessions

Test sessions may be at any specified time or location.

Verifying identity of examinee

Make positive identification through picture ID and signature verification.

Preparing question sets and telegraphy messages

Must follow proper formula for constructing all written and telegraphy examinations. Testing materials may be obtained from another COLEM or supplier.

Administer question sets and telegraphy messages

Assist examinee to determine elements needed to qualify for desired license. Time limit determined by examiner. (The Field Operations Bureau said a testing duration of one to three hours was reasonable depending on the exam element.) Same question set or telegraphy message may be re-administered to same person. There is no requirement that all test elements required for a Commercial Radio Operator License be administered by the same COLEM or examiner.

Accommodating the handicapped

Examiners may demand a physician's certification. Oral examinations (except for the blind §13.209(i) - and testing in foreign languages are not allowed. Test questions may be read

to the blind. The FCC said that the same telegraphy accommodations used in the Amateur Service may be used in Commercial examinations.

These include: where warranted using flashing lights, vibrating surfaces, adjusting tone frequencies and volume, pausing the telegraphy message at intervals to obtain a response from the applicant, or substituting a sending test for a receiving examination. (Each COLEM was given a copy of the VEC's handicapped telegraphy instructions.)

Uncorrected physical handicaps may result in a restrictive endorsement being placed on the operator's license. The restriction may allow equipment installation, service and maintenance but preclude the performance of operating duties.

Grading the answer sheets

Grade all written and telegraphy tests immediately.

Notifying examinees of pass/fail

Advise applicant of number of questions missed and whether they passed or failed.

Issuing the Proof of Passing Certificate (PPC)

Element credit will be determined by FCC based on documents attached to application. All PPC's must contain a recorded serial number. PPC must be issued within ten days and allows exam credit for 365 days after exam date.

Maintaining examination integrity

Prohibit items that could compromise exam such as crib sheets, pre-programmed calculators and memory devices. Also prohibit items that could distract examinees. Applicants needing to go to the rest room should be accompanied by an examiner.

Answer post-examination questions

Examiners should be aware of Part 13 Rules

Submit quarterly/annual reports to FCC

These reports on testing and revenue/expenses go to the FCC's Personal Radio Branch.

The Question Pools

George Dillon is the Chief of the FCC's Aviation and Marine Branch. He also is in charge of all Commercial Radio Operator examination question pools - a Question Pool Committee of one, so to speak. While there will eventually be seven question pools, only the Element 1 and 3 pool will be released at first. This will permit the COLEMs to begin testing for the General Radiotelephone Operator License which is the most popular.

Preliminary pools were sent to each COLEM about two weeks ago for their comments and the final Element 1 and 3 versions will be sent to each COLEM and released to the public on September 3rd. Dillon said that he needed additional questions to be submitted on all other elements.

The following is a list of the written examination Elements, questions in Exam, the number correct needed to Pass, minimum number of questions required in pool, and current size of pool. (* = number in actual pool but will be revised downward. + = number of questions submitted by the public. More are needed.)

Element	Exam	Pass	Minimum/Pool	Pool/Size
1	24	18	120	129*
3	76	57	380	661*
5	50	38	250	0+
6	100	75	500	109+
7	76	57	380	79+
8	50	38	250	178+
9	50	38	250	315+

Examination element requirements for each Operator License:

License	Examination Element No.										
	1	3	5	6	7	8	9	T1	T2	T3	T4
MROP	1										
GROL	1	3									
GMDSS/O	1				7						
GMDSS/M	1	3					9				
RADAR						8					
3rd R/T	1		5					T1	T2		
2nd R/T	1		5	6				T1	T2		
1st R/T	1		5	6						T3	T4

[Note: MROP = Marine Radio Operator Permit, GROL = General Radiotelephone Operator License, GMDSS/O = Global Maritime Distress and Safety Service Operator's License, GMDSS/M = Global Maritime Distress and Safety System Maintainer's License, RADAR = Ship Radar Endorsement, 3rd/2nd/1st R/T = Third/Second/First Class Radiotelegraph Operator's Certificate.]

Examination Integrity

Monty Depont, Senior Attorney in the FCC's Personal Radio Branch discussed the importance of maintaining high standards. Examiners are required to carefully safeguard examination materials against unauthorized disclosure and all question sets and telegraphy messages should be changed frequently. The Rules (Part §13.209(c)) specify that: "Neither the same telegraphy message nor the same question set may be re-administered to the same examinee."

Depont emphasized two areas that were particularly susceptible to fraud. He said:

- (1) Steps must be taken to prevent one applicant from taking examinations for another person. It is the responsibility of the examiner to positively identify each examinee with documentary proof.
- (2) The PPC (Proof of Passing Certificate) is the most vulnerable aspect of the COLE system. They must be counterfeit and alteration proof. All PPCs are required to contain a serial number and be strictly accounted for.

All COLEMs and examiners are required to keep a database record of the:

- (a) Legal name of every applicant: Last, first, MI
- (b) Their current mailing address;
- (c) Date of birth: Month, Day, Year.
- (d) The examination element(s) passed,
- (e) Date element(s) passed and;
- (f) PPC serial numbers issued.

COLEMs were directed to immediately report all instances of cheating to the Personal Radio Branch.

Filling out the application form

Larry Weikert, an official in the Special Services Branch at the FCC's Gettysburg, PA licensing facility discussed the proper completion of the Commercial Radio Operator License Application (FCC Form 756). This form is in the process of being revised and should be available next month. In the meantime, all COLEMs will use the current Form 756 which carries an expiration date of 10/31/93.

At present a new Commercial Radio Operator license does not carry a "filing fee" - only the COLEM's "examination fee". (The examination fee of the National Radio Examiners Division of the W5YI Group is \$35.00 which is shared with the Test Center Managers.) Renewals and requests for duplicate licenses are handled by the applicant and carry a \$35.00 filing fee.

Weikert said the turn-around time between application receipt and license issuance was running around six to eight weeks. He said he hoped to reduce this to four to six weeks - and eventually to two to three weeks.

The FCC said it hopes to charge a \$35.00 "application processing fee" sometime in the future. "The recent legislation did not specify an application processing fee for commercial operator licenses." When such a fee is authorized by Congress, it will be in

addition to the present examination fee. (In the case of National Radio Examiners, the total would then increase to \$70.00 per license: \$35.00 examining fee plus \$35.00 application processing fee.)

The FCC is also looking into the electronic filing of Commercial Radio Operator licenses and invited COLEMs to contact the Gettysburg licensing facility if they were interested in participating in this project. The FCC also said that COLEMs could enter into agreements to provide examinations at schools, but that the COLEM was still responsible and accountable for the integrity of the examination.

Question Pools

There is no FCC requirement that COLEMs or examiners provide printed copies of the question pools to applicants. The decision as to which additional services will be offered and their cost is left up to the each COLEM. The FCC also said that COLEMs are free to provide a study guide containing answer explanations to the public. "They may not, however, require applicants to take such services as part of an 'examination package'".

National Radio Examiners will be printing and distributing all question pools as well as study material to the public. The Element 1 and 3 question pools will be printed in a single booklet and should be available during early September. Cost is \$10.00 from: National Radio Examiners, P.O. Box 565206, Dallas, Texas 75356. Tel: 817/461-6443.

The COLEM Conference concluded with a Friday morning tour of the FCC's Gettysburg, PA licensing facility and a general discussion period hosted by Gary Sanford, Chief of the Licensing Division and Bob McNamara, Chief of the FCC's Washington, DC Special Services Division.

A special note to Ham Operators!

Want to get your Commercial Radio Operator license? Now is your chance. While it is not generally known, many of the questions in the General Radiotelephone Operator License examination are taken verbatim from the Amateur Advanced and Amateur Extra Class question pools. We have been told that those questions will remain in the pool - at least through the beginning of summer 1994 - and possibly beyond.

Also, if you hold either a Commercial Radio Operator (GROL or 1st/2nd Radiotelegraph) or an Amateur Extra Class license and wish to establish a Commercial Radio Operator Test Center, let us know. We still have many major cities still available. Contact National Radio Examiners at 817/461-6443 for details.

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MAY VE PROGRAM STATISTICS

May	1991	1992	1993
No. VEC's	18	18	18
Testing Sessions	945	866	1013
VEC	1991	1992	1993
ARRL	48.7%	48.8%	57.4%
W5YI	35.7	36.6	31.2
CAVEC	4.8	3.0	2.6
WCARS	1.5	2.1	2.3
GtLakes	4.3	3.9	1.6
Others (13)	5.0	5.6	4.9
Year-to-Date Sessions	3144	4230	4392
Elements Administ.	22940	16764	20024
VEC	1991	1992	1993
ARRL	55.6%	55.4%	62.6%
W5YI	29.3	28.5	25.1%
CAVEC	4.8	3.0	2.5
WCARS	1.8	2.2	2.5
GtLakes	2.5	2.4	1.8
Others (13)	6.0	8.5	5.5
Year-to-Date Elements	70932	91699	85116
Applicants Tested	13819	10236	11735
VEC	1991	1992	1993
ARRL	55.4%	54.4%	61.3%
W5YI	31.6	29.9	25.7
WCARS	1.9	2.3	2.5
CAVEC	4.0	2.9	2.3
GtLakes	2.7	2.6	2.0
Others (13)	4.4	7.9	6.2
Year-to-Date Tested	42212	54503	49900
May	1991	1992	1993
Pass Rate - All	66.5%	64.8%	64.9%
Applicants/Session	14.6	11.8	11.6
Elements/Applicant	1.7	1.6	1.7
Sessions Per VEC	52.5	48.1	56.3

Administrative Errors by VE's/VEC's

May	1991	1992	1993
Defect. Applications	0.7%	0.3%	0.1%
Late Filed Sessions	1.5%	1.3%	1.4%
Defective Reports	0.5%	0.6%	0.0%

[Source: Personal Radio Branch/FCC; Washington, D.C.]

PETITIONS DENIED ON REDEFINING HAM SERVICE

Two New Jersey amateurs have had their *Petitions for Rulemaking* denied by the Commission. **Scott Leyshon, WA2EQF** and **Vincent Biancomano, WB2EZG**, both requested that the FCC state whether the goal of the Amateur Service is technical or non-technical in nature. They argued that the present examinations place a premium on rules at the expense

of technical content. They want the purposes of the Amateur Service either redefined or the examination standards returned to those which existed prior to "incentive licensing" in the late 1960's.

In denying their requests on August 16th, the FCC said "...the Commission is responsible for classifying station operators according to the duties they perform and for issuing licenses to persons who are found qualified. The rules provide that a written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an Amateur Service licensee exercising the privileges of the class of license sought. The examination questions are prepared by knowledgeable amateur operators who volunteer their time and expertise. Of the 170 questions that appear on examinations for amateur operator licenses, only 46 concern rules and operating procedures, while 124 concern contemporary technical matters. We do not believe, therefore, that the present examinations place an unjustified premium on rules. Nor do we agree that the examinations should be based on dated technology." The FCC also said that the five principles on which the Amateur Service is based is clearly stated in Section §97.1 and include operator skills in both the operational and the technical phases of radio communications. "By and large, the amateur community does not want the explanation of the basis and purpose of the amateur Service changed."

AMATEUR RADIO CALL SIGNS

...issued as of the first of August 1993:

Radio District	Gp. "A" Extra	Gp. "B" Advan.	Gp. "C" Tech/Gen	Gp. "D" Novice
0 (*)	AA0OI	KG0HJ	N0XYO	KB0LKT
1 (*)	AA1HA	KD1QE	N1PUO	KB1BCO
2 (*)	AA2OW	KF2QK	N2VVX	KB2QNJ
3 (*)	AA3FE	KE3JJ	N3PTK	KB3AXR
4 (*)	AD4HV	KQ4ZF	(***)	KE4EAC
5 (*)	AB5OQ	KJ5OP	(***)	KC5BYC
6 (*)	AB6VF	KN6OS	(***)	KD6ZMC
7 (*)	AA7XP	KI7PL	(***)	KB7WKF
8 (*)	AA8LZ	KG8CS	N8ZUK	KB8PDB
9 (*)	AA9HT	KF9QO	N9UIZ	KB9ITU
N.Mariana Is.	AH0U	AH0AN	KH0CB	WH0AAX
Guam	NH2R	AH2CT	KH2HB	WH2ANF
Johnston Is.	AH3D	AH3AD	KH3AG	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6MY	WH6NX	WH6CQT
Kure Is.			KH7AA	
Amer. Samoa	AH8H	AH8AF	KH8AX	WH8ABB
Wake W.Peale	AH9C	AH9AD	KH9AE	WH9AAI
Alaska	(**)	AL7PE	WL7LZ	WL7CHF
Virgin Is.	WP2A	KP2CC	NP2GO	WP2AHU
Puerto Rico	(**)	KP4VN	(***)	WP4MHO

[Source: FCC, Gettysburg, Pennsylvania]

NOVICE TEST FEE CONTROVERSY

In Our July 15th newsletter we told you about a controversy involving examination test fees for Element 1(A) and 2. These are the examinations required for the Novice Amateur operator license ...and for upgrading from No-Code Technician to "Tech Plus." For those of you who did not see that issue, let us summarize

Effective July 1st, testing for the Novice Class operator license was folded into the VEC System and the old informal Novice testing program requiring two General Class examiners was discontinued. This FCC took this action based on petitions submitted by both the ARRL-VEC and W5YI-VEC.

The W5YI-VEC petition - and the FCC *Notice of Proposed Rule Making* both provided for expense reimbursement (a test fee.) While the ARRL stated that it took no position on the matter of a test fee for the Novice Class, they did ask that the FCC clarify whether a VEC could waive reimbursement from an entire class of examinees for a year provided it does so for all examinees for a particular class of license in all areas where it administers examinations. (ARRL comments, page 3)

The FCC responded in the *Report and Order* (adopted May 3, 1993) to that question by stating that test fees could not be waived when a VEC is on the "annual-method" of expense reimbursement accounting. The ARRL - and for that matter, every VEC - use that accounting method.

The Commission also said in the order that it believes there is no valid reason to require VEs and VECs who donate their time to absorb the additional cost of providing Novice examinations. The FCC pointed out that the small fee (a current maximum of \$5.60) "...has not hampered the growth of the other license classes, for which reimbursement is permitted."

In any event, the ARRL Directors (not the ARRL-VEC) made a decision not to charge any test fees for Element 2 (the Novice 30 question written exam) and Element 1A (5 wpm code) even if the code test was taken after passing the codeless Technician requirements. This decision conflicted with the FCC Order.

The W5YI-VEC contacted its Washington DC attorney to determine if test fees for the Novice Elements could indeed be waived. We were counseled that the Order - which was specifically approved by the FCC Commissioners and has the force of law - was clear. No waivers of the exam fee are permitted since under the annual-method of expense reimbursement accounting, you must charge everyone the same test fee "...because it is premised on accepting reimbursement from each examinee at each session throughout the year." A quotation from the FCC Order.

Thus you have a situation where all VECs - except the League charge a test fee for exam Elements 1(A) and 2 - a fee that they were directed to charge since all VECs utilize the annual method of expense accounting. This had led to much confusion (and a PR problem for most VECs) since it appears to the uninformed that the VECs are improperly charging a test fee to Novices - and to No-Code Techs who upgrade.

Complaint filed

In an attempt to resolve the impasse, our Washington DC attorney filed the following letter on August 23rd with the Chief of the Private Radio Bureau. (Quote) "On behalf of W5YI-VEC, this is to bring to your attention the failure of the American Radio Relay League, Incorporated, to charge examination fees for Novice Class operator license examinations and for Technician Class upgrades, in apparent violation of the Commission's rules and instructions.

Background

"On November 30, 1992, Robert H. McNamara, Chief, Special Services Division, transmitted to the respective Volunteer-Examiner Coordinators the final version of VEC Instructions. His cover letter urged the VECs to read the instructions carefully and to comply with them, noting the importance of uniformity of action on the part of the individual VECs.

Paragraph 3.6.2.2 of the instructions provides:

Annual method. Each examinee at each coordinated examination session is charged the same fee throughout the calendar year. Any overage at the end of the year is used to reduce the fee for the next year. The fee is computed by dividing the total projected out-of-pocket expenses by the total number of examinees expected to be administered an examination.

Paragraph 3.6.4 provides:

Charging a uniform fee. Under the annual method, each examinee at each examination session coordinated during that year shall be charged the fee established through the procedure described in paragraph 3.6.2.2. The VECs discretion in the matter only extends to deciding whether or not to charge a fee at all during the year.

During the commission's consideration of whether to include testing for Novice Class operator licenses in the VEC System in PR Docket 92-154, the

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League asked whether VECs could forebear from charging a fee for administering examinations for Novice Class licenses or for administering examinations for Novice Class licenses or for administering Element 1(A) to a Technician Class licensee in order to obtain HF telegraphy privileges.

In paragraph 10 of the *Report and Order* in PR Docket 92-154, released May 14, 1993, the Commission responded:

"In response to the question posed by the ARRL regarding waiver of the fee, there are two methods the VEs and VECs use for determining the actual reimbursement fee (footnote omitted). Under the examination-by-examination method, they simply recover their actual out-of-pocket costs for coordinating, preparing, and administering each particular examination. Under the annual-method, during the calendar year they charge every examinee the same fee based upon their forecasts of expenses, adjusted by the shortage or surplus from the previous year. The examination-by-examination method allows the VEs and the VECs the option of not recovering out-of-pocket costs from any particular examinee. The annual method does not allow such an option. VEs and VECs, therefore when using the examination-by-examination method, can elect not to recover their out-of-pocket costs when administering or coordinating any examination, but cannot charge a fee exceeding their out-of-pocket costs for some examination to offset a lower fee, or no fee, for other examinations."

Following the release of the *Report and Order*, W5YI-VEC learned that the League had issued instructions to its VEs not to charge for Novice Class examinations or for administration of test element 1(A). By letter of June 2, 1993, W5YI-VEC asked the Chief, Personal Radio Branch whether an annual-method VEC could refrain from charging a fee for Novice Class examinations and whether Element 1(A) is considered part of the Novice Class examination when it is taken by an applicant who holds a Technician Class license.

By letter of June 7, 1993, the Chief, Personal Radio Branch responded:

"The annual method as described in Section 3.6.2.2, of the *Instructions to VECs*, would not be suitable for use by a VEC accepting reimbursement from only certain examinees because it is premised on accepting reimbursement from each examinee at each session throughout the year. Failure to accept reimbursement from some examinees when the VEC is using the annual method would result in recovery of less than the total reimbursable expenses and, furthermore, appears to be contrary to Section 3.5.4, of the

Instructions to VECs.

In response to the question whether Element 1(A) is considered part of the Novice Class examination when it is taken by a Technician Class licensee, the letter responded:

"No, it is not. Section 97.302(e) of the Commission's Rules 47 C.P.R. §97.302(e), authorizes additional control operator privileges to Technician Class licensees who also hold a CSCE [upgrade certificate] indicating that the person has passed element 1(A), 1(B), or 1(C)."

With its June 2 inquiry to the Chief, Personal Radio Branch, W5YI-VEC enclosed a copy of the League's instructions to its VEs, dated May 14, 1993. These instructions state:

"The ARRL has established its policy that we will continue to keep the Novice license free, without a test fee charge. Our policy is to NOT charge any examinee who takes examination Elements 1A or 2. Furthermore our policy is that no fee is charged someone who takes the 5 WPM (Element 1A) exam in order to upgrade from codeless Technician to Technician w/HF privileges."

The Chief, Personal Radio Branch, suggested we contact the ARRL regarding the details of its operations. In fact, we have shared our concerns with ARRL, including a copy of the Personal Radio Branch's letter of June 7.

Complaint

The examinations for the Novice Class operator license became part of the VEC system, effective July 1, 1993. W5YI-VEC is informed and believes that the League is a VEC that computes its examination fees on the annual method. W5YI-VEC is informed and believes that the League has administered examinations to applicants for the Novice Class operator license and to applicants taking 1(A) in order to upgrade a Technician Class license, without charging an examination fee. In light of the *Instructions of VECs*, the Commission's *Report and Order* in PR Docket 92-154, and the Letter June 7, 1993, from the Chief, Personal Radio Branch, discussed above, the League's failure to charge these examination fees clearly fails to comport with the requirements of the Volunteer Examination System.

As noted by the Chief, Special Services Division, in his transmittal of the *Instructions to VECs* in 1992, uniformity of action of the part of the individual VECs is critical to the integrity and credibility of the

program. See, in this regard the attached letter from Michel D. Gardner, who is an accredited VE in both the League's and W5YI-VEC's programs. This letter reflects the confusion in the mind of the public that is created when one VEC adopts policies and procedures that are contrary to those being followed by all other VECs.

It would be a mistake to assume that W5YI-VEC's purpose in bringing this complaint is to disparage the League or to uphold the rights of VECs to charge for Novice examinations. It is the integrity and credibility of the Volunteer Examination program that is of paramount concern to the W5YI-VEC. The Volunteer Examination program has been a model of private sector and governmental cooperation in the public interest. While the individual VECs may not agree with all aspects of the program, until now none has openly defied the clear instructions of the FCC's staff or the unambiguous rulings of the full Commission.

To allow the VECs to pick and choose which instructions they will comply with is to set the stage for the disintegration of the Volunteer Examination program. The League, as the oldest, largest, and foremost organization for the betterment of Amateur Radio, should be stalwart in its adherence to the letter and spirit of the Commission's programs. Instead, it is the League which has taken the first step on this slippery slope.

The Commission must act and act promptly to curtail the League's non-compliance with the clearly articulated requirements of the Volunteer Examination program. Every day that passes adds to the public's perception that the government is not in control of this operator licensing program and that the public is at the mercy of franchised corporations that administer the program according to their own whim.

The potential financial benefit to the League resulting from its policy is too serious to be ignored. Free examinations, when all other VECs charge, attract applicants. These applicants are potential purchasers of examination preparation materials whose purchasing decisions may be unduly influenced by their choice of VECs. In the face of clear Commission requirements for all annual-method VECs to charge each examinee at each session and considering the financial benefit that accrues from offering free examinations, the League's policy is indefensible." Respectfully submitted, W5YI-VEC by Raymond A. Kowalski, Its Counsel. (End quote.)

ARRL ISSUES NEWS BULLETIN

That letter was hand delivered to the ARRL on Monday, August 23rd. Two days later, the ARRL issued the following press release:

NEWS SUMMARY: W5YI ASKS FCC TO TELL AMERICAN RADIO RELAY LEAGUE TO STOP GIVING FREE NOVICE CLASS LICENSE EXAMS

NEWINGTON, CT (August 25, 1993) -- In what ARRL President George W. Wilson calls "one of the ironies that keeps ham radio politics interesting," the W5YI Volunteer Exam Coordinator has filed a complaint with the Federal Communications Commission demanding that ARRL's Volunteer Examining program charge a fee for administering Novice Class Amateur Radio operator license examinations.

ARRL has never charged for Novice exams. All ham license exams are given by Volunteer Examiners (VEs) under a Volunteer Examination Coordinator (VEC) organization. ARRL and W5YI administer the two largest VECs.

Wilson, whose Amateur Radio call sign is W4OYI, says ARRL's plans to continue free Novice exams are consistent with an FCC tradition established in the 1950's to make it easy for youngsters to get entry-level licenses.

ARRL's VEC program has never recovered its full operating costs through fees collected, and operates substantially below the "break-even" point for the benefit of Amateur Radio.

W5YI insists that the issue is one of "uniformity" and claims that ARRL somehow benefits financially from giving free exams. ARRL disagrees.

"The time-honored Latin expression cui bono describes a concept you learn in law school for examining the merits of a case like this," Wilson says. "It means, 'who benefits?' While it's a mystery to us how not charging will benefit us financially, it's clear that forcing everyone to charge for the exam can financially benefit certain other VECs. This is a simple case of self-interest masquerading as public-interest."

"VECs have always had the latitude to set their own fees," says Wilson. "Frankly, we see no compelling federal interest in whether or not a class of nine year olds ought to be charged for taking an entry-level exam."

The ARRL VEC program has 20,000 qualified Volunteer Examiners available throughout the U.S. The program currently administers more than 65,000 Amateur Radio licensing exams every year. (End of ARRL news release.)

The ARRL press release conveniently fails to discuss the *Order* from the FCC Commissioners and the Private Radio Branch which directs all VECs operating under the annual-expense reimbursement accounting method (which the ARRL and every VEC do) to charge an exam fee for all Amateur Radio operator testing. The deadlock continues.