

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

In the Matter of	)	
	)	
1998 Biennial Regulatory Review --	)	WT Docket No. 98-143
Amendment of Part 97 of the Commission's	)	
Amateur Service Rules.	)	
	)	
FCC Report and Order	)	FCC Report and Order 99-412
Released December 30, 1999	)	

To: The Secretary,  
Federal Communications Commission

cc: Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Michael Powell  
Commissioner Harold Furchgott-Roth  
Commissioner Gloria Tristani

**OPPOSITION OF NO CODE INTERNATIONAL TO THE REQUEST FOR  
DECLARATORY RULING FILED BY LARRY L. LEARN IN THE  
ABOVE-CAPTIONED MATTER**

No Code International ("NCI"), on behalf of its Members and by its Board of Directors, hereby submits its Comments in Opposition to a Request for Declaratory Ruling ("the Request") filed in the above-captioned proceeding on January 7, 2000 by Larry L Learn.

## INTRODUCTION

1. NCI is a not-for-profit organization of licensed radio amateurs, as well as those interested in amateur radio but not yet licensed, which has as a major goal the global elimination of all requirements for Morse code proficiency for any class of amateur radio license. NCI was founded in 1997 and is experiencing rapid growth, both within the U.S. and internationally. While NCI has an international membership and global goals with respect to various amateur regulatory matters, a majority of its members are currently U.S. licensed radio amateurs.

2. NCI filed a restructuring proposal with the Commission prior to the release of the Notice of Proposed Rulemaking (“the NPRM”), as well as timely-filed Comments, Reply Comments, and Ex Parte Presentations in this Proceeding. NCI is an interested party in this proceeding.

3. Having reviewed the Request, NCI urges that the Request be summarily dismissed without delay because we find the arguments therein to be completely without merit in that they demonstrate a profound misunderstanding of the Commission’s action and intent in the Report and Order (“the R&O”) in this Proceeding, which renders the “relief” sought in the Request inappropriate and completely unnecessary.

## DISCUSSION

4. Mr. Learn apparently assumes incorrectly that the Commission intended for Certificates of Successful Completion of Examination (“CSCEs”) earned by applicants prior to the April 15, 2000 effective date of the new Rules promulgated under the R&O to become instantly invalid at the effective date of the R&O, even if their normal 365 day period of validity had not expired.

5. This is specifically not the case, as spelled out quite clearly in the R&O: *“Because the revised examination system will be comprised of three written examination elements and one telegraphy examination element, instead of the present five written examination elements and three telegraphy examination elements, we believe that adjustments to the element credit rule are necessary. We are amending the rules so that licensees who previously have passed a telegraphy examination will not have to pass another telegraphy examination to advance to the highest class of operator license. Additionally, licensees who have passed all the written examination element components of a revised written examination element(s) will continue to receive credit for the revised element(s)”*. (emphasis added)<sup>1</sup>

6. Further, the Rules changes specified in the R&O specifically state that CSCEs resulting from passing applicable test elements in the preceding 365 days shall be honored.<sup>2</sup>

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<sup>1</sup> FCC Report and Order 99-412, at 52.

<sup>2</sup> FCC Report and Order 99-412, Appendix B, at 2.

7. In other words, if an applicant has successfully passed all of the written tests necessary under the current rules to qualify for a higher grade of license prior to the April 15, 2000 effective date of the new Rules promulgated in the R&O, he or she is entitled to receive examination credit for those elements towards that license by presenting the appropriate, valid CSCEs at a VE testing session after April 15, 2000.

8. Mr. Learn's contention that being able to upgrade to Amateur Extra by passing all of the written elements prior to the effective date of the new Rules somehow constitutes a "loophole" or "discrimination" is inaccurate at best, and at worst demonstrates a "sour grapes" attitude towards those who will no longer have to pass a 20 wpm Morse exam to obtain an Amateur Extra class license once the Commission's new Rules take effect on April 15, 2000.

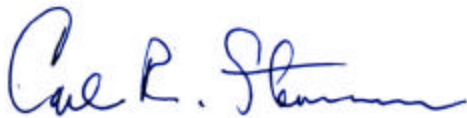
9. Under the current Rules, a General class licensee seeking to upgrade to Amateur Extra class would have to pass Elements 4(a) and 4(b) for a total of 90 questions. Under the new Rules effective April 15, 2000, a General class licensee seeking to upgrade to Amateur Extra class would have to pass new Element 4, which combines Elements 4(a) and 4(b) into a single 50 question test (*with questions taken from a question pool formed by merging the old 4(a) and 4(b) question pools and eliminating questions which are either redundant or irrelevant under the new rules*).

10. Thus, for Mr. Learn to assert that the new Rules require the passage of a “*more stringent written examination requirement*”<sup>3</sup> flies in the face of both fact and reason.

11. It is clear from even a cursory reading of the Request, that Mr. Learn does not understand the intent of the new Rules promulgated in the R&O, nor is he happy with the changes enacted by the Commission, and that his sole motivation is to attempt to persuade the Commission to essentially overturn portions of those Rules which were just enacted, solely in an effort to penalize those who will no longer have to pass a 20 wpm Morse test.

12. Since the Commission spent well over a year and considered a body of over 2000 comments in arriving at its decisions in the R&O, Mr. Learn’s Request for Declaratory Ruling is unwarranted, has no legitimate basis, and should be **DENIED**.

Respectfully submitted,  
No-Code International



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Member of the NCI Board of Directors  
(as delegated and approved by the Board as a whole)

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<sup>3</sup> The Request, at the bottom of pg. 3 and again in the 1<sup>st</sup> paragraph of pg.4..

CERTIFICATE OF SERVICE:

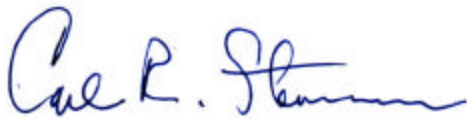
On or about January 7, 2000, a document entitled "Request for Declaratory Ruling" was filed in WT Docket No. 98-143, seeking "clarification" of portions of the Commission's Report and Order (FCC Report and Order 99-412) by Larry L Learn

On January 24, 2000 I mailed a true and accurate copy of the attached document (described as "Opposition of No Code International to the Request for Declaratory Ruling filed by Larry L. Learn in the Above-Captioned Proceeding") to the following:

Larrk L. Learn  
2031 Shadeview Ct.  
Dublin, OH 43016

as required by Sections §1.47 and §1.405 of the Commission's Rules

[47 C.F.R. §1.47, 47 C.F.R. §1.405]



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