



Federal Communications Commission
Washington, D.C. 20554

October 17, 2013

DA 13-2023

Mr. Brian J. Harrington, President
Toledo Mobile Radio Association
P.O. Box 9673
Toledo, OH 43697-9673

Dear Mr. Harrington:

This is in response to the petition that the Toledo Mobile Radio Association (TMRA) filed on June 3, 2013 requesting that the Commission amend the amateur service rules to allow Technician Class licensees additional frequency privileges in the 10 meter amateur service band.¹ For the reasons set forth below, we dismiss the petition.

Section 97.301 of the Commission's Rules provides that Amateur Extra Class, Advanced Class, and General Class license holders may operate in the entire 10 meter band (28.000-29.700 MHz), while holders of Technician Class and Novice Class licenses may operate only in the 28.000-28.500 MHz portion of the band.² TMRA proposes that Section 97.301(e) be amended to permit Technician Class licensees (but not Novice Class licensees) to operate in the 29.520-29.700 MHz portion of the band as well.³ It argues that the current frequency privileges that Technician Class licensees are authorized in the 10 meter band are "outdated" due to the development of systems such as the Internet Radio Linking Project (IRLP) and Echolink which combine internet capabilities with amateur radio transmission capabilities.⁴ TMRA requests that Technician Class 10 meter band frequency privileges be expanded to include 29.520-29.700 MHz so that these licensees can make use of repeater stations that transmit and receive on frequencies above 28.5 MHz.⁵

We conclude that TMRA has not presented grounds for the Commission to revisit the question of operating privileges for Technician Class licensees. As an initial matter, we note that a Technician Class licensee may transmit messages through a repeater licensed to a General Class or higher licensee that has an output channel in the 29.5-29.7 MHz frequency segment if the repeater has an input channel in the 2 meter or 70 centimeter amateur band, because Technician Class licensees are authorized to transmit messages on the 2 meter or 70 centimeter bands. Therefore, contrary to TMRA's assertion, the rules do not prevent Technician Class licensees from taking

¹ Petition for Rulemaking (filed June 3, 2013) (Petition).

² See 47 C.F.R. § 97.301(b)-(e).

³ See Petition at 1-2.

⁴ *Id.* at 1.

⁵ See *id.* at 1-2; see also 47 C.F.R. § 97.205(b) (permitting repeaters to receive and retransmit only on the portion of the 10 meter band above 29.5 MHz).

advantage of systems such as IRLP or Echolink, or from exchanging voice communications with other stations in the 29.5-29.7 MHz segment of the 10 meter band.

Moreover, the Commission has observed that “[t]he current operator frequency privileges, the structure of the license classes, and the requirements for obtaining an amateur operator license were developed in accordance with the expressed desires of the amateur community to provide an incentive, *i.e.*, additional frequency privileges, to motivate amateur radio operators to advance their communication and technical skills.”⁶ In 2006, the Commission increased the operating privileges for Technician Class licensees to include the privileges that are authorized to Novice and Technician Plus Class licensees.⁷ Since these revisions became effective, tens of thousands of licensees have qualified for amateur service operator licenses that authorize greater operating privileges. A Technician Class licensee can upgrade to a General Class operator license and receive significantly more frequency privileges (including those at issue here) by answering correctly a minimum of twenty-six questions on a thirty-five question written examination. TMRA has submitted no evidence that we should depart from the Commission’s long-standing policy of providing additional frequency privileges as an incentive to motivate amateur radio operators to advance their communication and technical skills. We conclude, therefore, that the petition does not present grounds for the Commission to issue a notice of proposed rulemaking regarding this matter.

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.401(e) of the Commission’s Rules, 47 C.F.R. § 1.401(e), the petition for rulemaking filed June 3, 2013 by Toledo Mobile Radio Association 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

⁶ See 1998 Biennial Regulatory Review -- Amendment of Part 97 of the Commission's Amateur Service Rules, *Report and Order*, WT Docket No. 98-143, 15 FCC Rcd 315, 321 ¶ 9 (1999).

⁷ See Amendment of Part 97 of the Commission's Rules to Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service, *Report and Order and Order on Reconsideration*, WT Docket No. 05-235, 21 FCC Rcd 14797, 14808 ¶ 21 (2006).