

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Petition to Amend the Amateur  
Service Rules Concerning  
Amateur Operator License  
Examination Requirements for  
Senior Citizens.

**MEMORANDUM OPINION AND ORDER**

Adopted: January 27, 1989; Released: February 9, 1989

By the Commission:

**I. INTRODUCTION**

1. This action denies an application for review of an *Order* by the Chief, Private Radio Bureau that denied a request to change the amateur operator license examination requirements for Senior Citizens.

**II. BACKGROUND**

2. On February 1, 1988, Shannon Cisco (petitioner) filed a petition to amend Section 97.23 of the Commission's Rules, 47 C.F.R. § 97.23, to automatically upgrade by one operator class amateur service licensees who are at least 65 years of age. The petitioner requested that the amateur operator licenses of all such Senior Citizens who have held their licenses for 20 years or more be upgraded as follows: Technician Class to General Class, General Class to Advanced Class and Advanced Class to Amateur Extra Class.

3. The petitioner sought to reverse long-standing Commission policy regarding the technical and operational qualifications that applicants must meet in order to obtain an amateur operator license. This policy is founded upon provisions in the international Radio Regulations and the Communications Act of 1934, as amended. *See* ITU Radio Regulations Nos. 2735 and 2736 (Geneva, 1979); *see also* 47 U.S.C. § 303(l)(1). The petition was denied by the Chief, Private Radio Bureau because it presented no new facts or novel arguments that would justify such a policy change. *Order*, 3 FCC Rcd 2468 (1988). On May 31, 1988, the petitioner filed an application for review, reiterating the arguments of the original petition.

**III. DISCUSSION**

4. We have carefully reviewed the record and find that there is no showing that the action of the Chief, Private Radio Bureau is in conflict with any statute, regulation, case precedent or established policy. Likewise, there is no showing that the action in question involves a law or policy that has not been previously resolved by the Commission nor that existing policies or precedents should be overturned or revised. Further, there is no allegation of

prejudicial procedural error or an erroneous finding of fact as to an important or material question of fact. Finally, the application for review merely reiterates Mr. Cisco's latest arguments that Senior Citizens like himself should be allowed to upgrade their amateur operator licenses without taking the required examinations. Accordingly, we conclude that review is not warranted.

**IV. DECISION**

5. In view of the foregoing, and pursuant to the authority contained in Section 1.115 (g) of the Commission's Rules, 47 C.F.R. § 1.115(g), and 47 U.S.C. § 154(i), **IT IS ORDERED** that the application for review filed by Shannon Cisco **IS DENIED**.

6. **IT IS FURTHER ORDERED** that this proceeding **IS TERMINATED**.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy  
Secretary