



Federal Communications Commission
Washington, D.C. 20554

March 19, 2009

DA 09-618

Mr. Michael J. Mancuso
8732 Springhouse Lane
Raleigh, NC 27617

Re: Petition for Proposed changes in 47 CFR Part 97 Section 97.523

Dear Mr. Mancuso:

This is in response to the petition you filed on April 21, 2008 requesting that the Commission revise the rules for the Amateur Radio Service.¹ Specifically, you propose that the Commission amend Section 97.523 of its Rules² to increase the minimum size of the question pools for preparing amateur radio operator license examinations from ten times the number of questions required for a single examination to fifty times the number of questions required for a single examination.³ For the reasons set forth below, we deny your petition.

Each applicant for a new or upgraded amateur radio operator license is required to pass a written examination⁴ in order to prove that he or she possesses the operational and technical qualifications required to perform properly the duties of an amateur service operator licensee, *i.e.*, that he or she is qualified to be an amateur service licensee.⁵ You argue that the current question pool size is no longer adequate, because online practice examinations enable examinees to memorize a question pool without fully comprehending the subject matter being tested.⁶ Consequently, you propose to increase the size of the question pools, in order to hinder memorization.⁷

We conclude that you have not presented grounds for the Commission to amend its rules. As noted above, the purpose of the examinations is not to demonstrate an applicant's comprehension of certain material, but rather to determine whether he or she can properly operate an amateur station. Moreover, your contention that there has been "a significant increase in the number of Amateur Radio operators . . . who do not appear to possess the knowledge indicated by their class of license"⁸ is not supported by any data or facts. We also note that the rule specifies the *minimum* number of questions that

¹ Petition for Proposed changes in 47 CFR Part 97 Section 97.523 (filed April 21, 2008) (Petition).

² 47 C.F.R. § 97.523.

³ Petition at 2, 4-5.

⁴ 47 C.F.R. § 97.501.

⁵ See 47 C.F.R. § 97.503.

⁶ See Petition at 2-3.

⁷ See *id.* at 4-5.

⁸ *Id.* at 1.

the question pool must contain and, therefore, does not prevent the National Conference of Volunteer Examiner Coordinators (NCVEC)⁹ from increasing the number of questions in a question pool should it decide that this is appropriate. We conclude, therefore, that the petition presents no evidence of an existing problem or other reason for a rule change.

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(d), and Section 1.2 of the Commission's Rules, 47 C.F.R. § 1.2, the petition for rule making filed by Michael J. Mancuso on April 21, 2008 IS DENIED.

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, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁹ The NCVEC approves a uniform national database of multiple-choice questions and answers, and periodically updates the question pools to ensure that they continue to reflect current technology. See 1998 Biennial Review – Amendment of Part 97 of the Commission's Amateur Service Rules, *Report and Order*, WT Docket No. 98-143, 15 FCC Rcd 315, 340 ¶ 42 (1999).