

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

In the Matter of)
)
DAVID L. OSTERKAMP)
)
Licensee of Amateur Service Station KB0WOT)

MEMORANDUM OPINION AND ORDER

Adopted: July 24, 2003

Released: July 25, 2003

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. *Introduction.* For the reasons set forth below, we propose to modify the operator privileges of Mr. David L. Osterkamp (Osterkamp), licensee of Amateur Radio Service Station KB0WOT. Specifically, we propose to modify Osterkamp's operator license to show Technician Class operator privileges.

2. *Background.* On February 9, 2000, the W5YI Volunteer Examiner Coordinator (W5YI VEC) sent an electronic data file to the Commission requesting that Osterkamp's operator license for amateur Station KB0WOT be modified to upgrade from Technician Class to Advanced Class amateur radio operator privileges.¹ Based on this application, the Commission granted Osterkamp an Advanced Class amateur service operator license on February 10, 2000. This license authorizes Mr. Osterkamp to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(c) of our Rules.²

3. By correspondence dated April 23, 2003, the W5YI VEC notified the Commission that it had made a typographical error in the February 9, 2000, data file and that a licensee other than Osterkamp had qualified for an Advanced Class operator license.³ The W5YI VEC notes that a correction was filed resulting in the other licensee receiving the operator license he had qualified for, but that Osterkamp's operator privileges had not been returned to Technician Class operator privileges.⁴ Therefore, the W5YI VEC urged us to modify Osterkamp's license to correct the operator privileges authorized.

4. *Discussion.* We believe that W5YI VEC's request is most properly characterized as an informal request for Commission action under Section 1.41 of the Commission's Rules.⁵ Based on the information now before us, it appears that the W5YI VEC intended to request that we modify the operator privileges of

¹ See File No. 0000079061 (filed Feb. 9, 2000).

² See 47 C.F.R. § 97.301(c).

³ Letter via e-mail dated April 23, 2003, from Mr. Larry Pollock, W5YI-VEC Department, to Licensing and Technical Analysis Brach, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

⁴ *Id.* The W5YI-VEC Request states that it intended to modify the operator privileges of the licensee of KB0VOT rather than Mr. Osterkamp's operator privileges.

⁵ 47 C.F.R. § 1.41.

the licensee of amateur station KB0VOT. It also appears to us that the grant of Advanced Class operator privileges to Osterkamp was erroneous because he did not pass the examinations necessary to qualify for an Advanced Class operator license. Rather, he appears to be currently authorized to operate with Advanced Class operator privileges due to a typographical error made in 2000 during the application and licensing process.

5. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁶ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁷ We believe that a modification of the license for amateur station KB0WOT to simply replace Advanced Class operator privileges with Technician Class operator privileges is appropriate.

6. In accordance with Section 1.87(a) of the Commission's Rules,⁸ we will not issue a modification order until Osterkamp has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Osterkamp must, within thirty days of the release date of this *Memorandum Opinion and Order*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.⁹ If no protest is filed, Osterkamp will have waived his right to protest the modification and will be deemed to have consented to the modification.

7. *Conclusion.* For the reasons stated above, we conclude that the grant of Advanced Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station KB0WOT by replacing Advanced Class operator privileges with Technician Class operator privileges.

8. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Mr. David L. Osterkamp for amateur service Station KB0WOT BE MODIFIED by replacing Advanced Class operator privileges with Technician Class operator privileges.

9. IT IS FURTHER ORDERED that this *Memorandum Opinion and Order* shall be sent by certified mail, return receipt requested, to Mr. David L. Osterkamp, 2179 Hallmark Ave. N, Oakdale, MN 55128.

⁶ 47 U.S.C. § 316(a)(1).

⁷ *Id.*

⁸ 47 C.F.R. § 1.87(a).

⁹ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

10. 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

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
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