

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

In the Matter of)
)
ROBERT W. RHODES) File No. 0001383708
)
Licensee of Amateur Service Station KG4RTN)

ORDER OF MODIFICATION

Adopted: July 14, 2004

Released: July 15, 2004

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

1. *Introduction.* In this *Order of Modification*, we modify the operator privileges of Mr. Robert W. Rhodes (Rhodes), licensee of Amateur Radio Station KG4RTN. Specifically, we modify Mr. Rhodes's operator license to reflect Technician Class operator privileges, rather than General Class operator privileges. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Rhodes's operator license.¹

2. *Background.* In the *Modification Proposal*, we concluded that the grant of Rhodes's General Class operator privileges was defective. We reached this conclusion after the Western Carolina Amateur Radio Society Volunteer Examiner Coordinator, Inc. (WCARS VEC) notified the Commission that the data file it had sent regarding Rhode's operation privileges contained an error.²

3. On July 16, 2003 the Licensing and Technical Analysis Branch (Branch) of the former Public Safety and Private Wireless Division³ granted⁴ Rhodes's application for a license of Amateur Service Station KG4RTN,⁵ which was included in the electronic data file it received from WCARS VEC. This file requested that the operator license of Rhodes be modified to show General Class operator privileges. Subsequently, however, WCARS VEC indicated to the Branch that its earlier electronic data file was sent in error,⁶ further stating that while Rhodes had attended an examination session and had passed examination Element 3, the written examination element for a General Class operator license, he had not met the five words-per-minute Morse code requirement associated with that class of license.⁷ Because the

¹ See *Memorandum Opinion and Order*, DA 04-593 (w/copy to Mr. Rhodes) (rel. March 2, 2004) (*Modification Proposal*).

² October 10, 2003 e-mail letter from Mr. Ray Adams, WCARS VEC, to Rebecca Williams, Wireless Telecommunications Bureau (WCARS VEC Request).

³ The Commission reorganized the Wireless Telecommunications Bureau effective November 13, 2003, and the relevant duties of the Public Safety and Private Wireless Division were assumed by the Public Safety and Critical Infrastructure Division. See Reorganization of the Wireless Telecommunications Bureau, *Order*, FCC 03-291, ¶ 2 (rel. Nov. 25, 2003).

⁴ See *Modification Proposal*.

⁵ File No. 0001383708.

⁶ See WCARS VEC Request.

⁷ *Id.*

issuance of the General Class operation license was the result of an error, WCARS VEC urged us to modify such license to properly reflect the operator privileges for which Rhodes is qualified.⁸ In an effort to address the identified error, we then proposed to modify Rhodes's license, pursuant to Section 316(a)(1) of the Communications Act of 1934, as amended,⁹ by replacing General Class operator privileges with Technician Class operator privileges.¹⁰ In this connection, we tentatively concluded that the proposed modification would serve the public interest by ensuring that licensees are accorded privileges that accurately reflect their qualifications.

4. *Discussion.* The *Modification Proposal* was released on March 2, 2004. Based on the record before us, Rhodes did not protest the proposed modification of his license within the requisite 30-day time frame.¹¹ Accordingly, Rhodes is deemed to have consented to the proposed modification.¹² Based on the record before us, we conclude that it is in the public interest to modify Rhodes's station license for KG4RTN by replacing General Class operator privileges with Technician Class operator privileges.

5. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the amateur service operator license for Amateur Radio Station KG4RTN IS MODIFIED by replacing General Class operator privileges with Technician Class operator privileges.

6. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to Mr. Robert W. Rhodes, 8605 Daisy Dallas Road, Hixon, Tennessee 37343.

7. 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 Critical Infrastructure Division
Wireless Telecommunications Bureau

⁸ *Id.*

⁹ 47 U.S.C. § 316(a)(1). Section 316(a)(1) requires that we notify an affected station of proposed modification(s), the public interest reasons for the action, and afford 30 days to respond.

¹⁰ See *Modification Proposal* ¶ 7.

¹¹ See 47 C.F.R. § 1.87(g)(1).

¹² See 47 C.F.R. § 1.87(h); see also *Modification Proposal* ¶ 6.

