**Before the**

**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

**In the Matter of )**

**)**

**RESPONSE EFFORTS UNDERTAKEN ) ET Docket No. 17-344**

**DURING THE 2017 HURRICANE SEASON )**

**To: The Chief, Public Safety**

**and Homeland Security Bureau**

**Via: ECFS Electronic Filing**

**REPLY COMMENTS OF JOHN D. DOOLOS**

I am submitting comments in response to Public Notice DA 17-1180 (released December 7, 2017) (Notice).

**Introduction**

1. I have been an Amateur Radio operator for 47 years - first licensed in 1971. I live in a Home Owners Association (HOA) and have dealt with antenna restrictions for over 20 years. My comments concur with those of the CW Operators’ Club (CWops) in regard to the Amateur Radio Parity Act (ARPA). In the interest of brevity I will not repeat CWops' comments. The Amateur Radio Community has long sought relief from unreasonable HOA deed restrictions related to external antennas. The most recent attempt started with the Middle Class Tax Relief and Job Creation Act of 2012. In regard to this act, the FCC stated: "Pursuant to the Middle class Tax Relief and job Creation Act of 2012, the FCC conducted a study on the "uses and capabilities of Amateur Radio Service communications in emergencies and disaster relief." It submitted to the House and Senate a Report on the finding of its study. The FCC docket proceeding created an impressive record demonstrating the severe and pervasive impact of private land use regulations on Amateur Radio emergence communications. The record in the docket proceeding justifies the even application of FCC's balanced, limited preemption policy to all types of land use regulations of Amateur Radio antennas. The FCC said, in effect, that should Congress instruct FCC to do so, it would expeditiously extend the policy."

Following this HR 4969 Amateur Radio Parity Act of 2014 was introduced to provide some relief for HOA antenna restrictions; HR 4969 was not successful.

In 2015 HR1301 "The Amateur Radio Parity Act of 2015" was introduced, passed the House but failed to be brought forward for a vote in the Senate.

The latest attempt to provide relief from HOA antenna restrictions is HR.555 which similar to HR 1301, stalled in the Senate as S.1534.

**Issues**

**2. Parity with PRB-1.** If the goal of ARPA is parity with PRB-1, the FCC should require HOAs to abide with the standards of PRB-1 consistent with those set forth in Section 97.15(b). **ARPA.** At paras. 35-37 of its Comments, ARRL argues for support of the Amateur Radio Parity Act (ARPA). This ARRL-proposed bill, negotiated by ARRL with the Community Associations Institute (CAI), was adopted in the House as HR.555, and is stalled in the Senate as S.1534. The language of the ARPA bill is flawed. A primary flaw is the requirement for prior approval of any outside antenna by the HOA that likely knows nothing of antennas and is ill-equipped to do more than consult with CAI for guidance, or do nothing. Guidance from CAI means rules that prohibit HF antennas.

There is one additional compelling argument that no one seems to want to acknowledge or address. That argument is surviving a Electromagnetic Pulse (EMP) event. An EMP event could virtually shut down this country. The FCC is well aware of the impact that a major EMP event could cause to the infrastructure of our country. While an EMP event may not seem plausible; 911 may not have seemed plausible if someone brought up the issue of developing procedures to prevent such an event. It was only a few months ago that America and the world were worried that the US and North Korea would have a nuclear exchange. While the North Korean threat may be on its way to resolution there is still Iran, Russia, China, probably Pakistan and India that have nuclear capabilities. Those are the knowns; the unknowns are: a rouge state or terrorist that may be able to develop or acquire a nuclear capability. If the unthinkable happened, it is very doubtful that the military has sufficient hardened communications assets to function satisfactorily. Further it is even more unlikely that the State and local governments have enough assets to maintain order and control. However, there is a group, small that it may be, which has two way communications that will survive an EMP event. They are Amateur Radio operators who have vintage tube type equipment and those that have hardened modern radios. These Amateur Radio operators will be of little use if they do not have external antennas. Erecting an external antenna after a major EMP event will be virtually impossible.

3. **Resolution.** The FCC should take the initiative and extend PRB-1, consistent with Section 97.15(b) to HOAs and similar deed restricted communities. This action on the part of the FCC is required and justified based on Congressional inability to pass legislation. Further based on the FCC's previous statement, "The FCC said, in effect, that should Congress instruct FCC to do so, it would expeditiously extend the policy."; it is apparent from this statement and similar ones that the FCC strongly supports Amateur Radio. In addition the FCC should take action based on repeated testimony and statements on their (FCC) part concerning the value of Amateur Radio in support of emergencies and disasters. Finally, extending PRB-1 significantly simplifies the implementation in HOAs and similar deed restricted communities. Since the implementation of PRB-1 there have been many external antenna issues that have been addressed throughout the United States, some of which required judicial resolution. Therefore, there is significant legal precedence that has been set which will minimize additional legal issues moving forward for both the individual Amateur Operator and the HOA.

**Conclusion**

4. ARRL’s submission offers the Commission useful information; however it is not the solution that the majority of Amateur Radio Operators support or prefer. Implementation of the ARRL ARPA proposal could cause more harm than it portends to correct. The FCC should take the initiative in view of Congress's inability to pass appropriate legislation and extend PRB-1 to include HOAs and similar deed restricted communities.

Respectfully submitted,

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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