

Before the Federal Communications Commission

In the matter of )  
 )  
Recommendations of the Independent Panel ) EB Docket 06-119  
Reviewing the Impact of Hurricane Katrina on )  
Communications Networks )

Reply Comments of Altaphon, Inc.

Altaphon is an owner and operator of remote high level telecommunications sites in the western US, and has been for many years involved in design and support of emergency communications systems for private, public and amateur radio users. We reviewed the Panel's recommendations and hoped that directly affected agencies would file comments addressing their specific concerns. While there is little to disagree with in the Panel's recommendations, this document and many of the comments filed address concerns outside the scope of the Commission's authority. It seems to us that much of the Commission's intent in soliciting comment has been lost. There is a very limited range of action that the Commission has the mandate and resources to undertake, and we had hoped to see more comments in the direction of what could be done. We will reply to several filed comments specifically to address this issue.

Cisco encourages the Commission to keep abreast of and foster deployment of new communications technologies to enable their use in disaster communications. The implication is that the Commission can take an active role in the development of such technologies. It is inappropriate for the Commission to do so; that is not its role. In contrast, rules can be made clearer and less restrictive so that experts in the field, such as technical employees of equipment manufacturers, will have the authority to use whatever technology is appropriate to provide and restore communications during and after a disaster.

The comment from Prometheus Radio Project, regarding automatic waivers and STA's, is more along the lines of what we would recommend. We fully support their approach in giving LPFM's more leeway to preposition facilities and operate as needed in disaster areas, and further suggest that this concept be extended to other licensees in all radio services.

We were surprised not to see a comment from the Amateur Radio Relay League. Part 97 contains several provisions making the Amateur Radio Service uniquely suited to disaster relief communications, and because of this flexibility, amateur radio operators individually and in associations have traditionally been a significant part of disaster response. The comments of Ferdinand Milanes for Caltrans, describing an amateur radio group specifically sanctioned by a state government agency, show an excellent example of cooperation between the public sector and amateurs. This cooperation unfortunately is not widespread enough and much capability goes unused, due to mutual concerns of the amateur radio community and the public sector that disaster operations could not be carried out effectively due to Part 97 restrictions on the Amateur Radio Service. In discussing amateur-based disaster communications networks with public agencies in California, for instance, we have heard a consistent concern that privacy of communications is paramount to many of these operations, and even moderately secure transmissions are prohibited by §97.113. It should be possible to waive this prohibition during the handling of actual disaster traffic.

The comments of the National Public Safety Telecommunications Council are more to the point, but again cover much ground that is not within the Commission's scope. A consistent role that the Commission might play in fostering the flexibility issues they mention, for instance, would be to remove specific language restricting such activities such as communications between and across different radio services in a disaster when the parties to the communication agree to such interchange.

The nonprofit wireless community (public safety and amateur) is largely self-policing. The common-carrier community likewise has over many years developed effective cooperative methods, such as those developed by the wireline carriers in the 1960's for frequency coordination of point-to-point microwave facilities. Our suggestion broadly is that the Commission should formulate a rule part unifying and simplifying the authority of existing licensees in a disaster. Let those with the capability operate according to the best engineering practice given the circumstances. The lack of specific FCC authority should not be an impediment to providing communications where it is needed and no objectionable interference would be caused. A reasonable precedent is §97.401 through 97.405 in the Amateur Radio Service. We suggest that these provisions should be clarified and extended to the other licensed radio services, with the burden on licensees to mitigate interference and coordination issues with other users. Likewise, equipment vendors who have shown themselves through prior successful OET filings to be familiar with the equipment authorization requirements, should be permitted to deploy compliant equipment that does not yet have equipment authorization.

We suggest that the Commission open a Notice of Inquiry to determine the specific rule sections licensees presently find to be obstacles to effective use of wireless technology in disaster response. If the NOI is suitably focused, and an outreach campaign developed to assure community-wide response, it should be possible to identify the barriers thought to exist, and for the Commission to consider how they can be removed.

Respectfully submitted,

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