

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Rules Regarding Amateur Radio Service)	WP Docket No. 10-72
Communications During Government Disaster)	
Drills)	
)	
)	
To: The Commission)	

**REPLY COMMENTS OF
THE BOEING COMPANY**

The Boeing Company (“Boeing”), by its attorneys and pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby submits the following reply comments in response to the notice of proposed rulemaking (“NPRM”) in the above referenced proceeding.¹ The commenters overwhelmingly support the Commission’s proposed amendment of its Part 97 rules to allow amateur radio station control operators to participate in government sponsored emergency and disaster preparedness drills regardless of whether the operators are employees of entities participating in the drill. This change would promote more effective backup amateur radio communications during emergencies.

In addition, the American Radio Relay League (“ARRL”) (the national association for amateur radio) and several other commenters support allowing non-government entities to sponsor emergency preparedness drills and amateur radio station

¹ See *Amendment of Part 97 of the Commission’s Rules Regarding Amateur Radio Service Communications During Government Disaster Drills*, WP Docket No. 10-72, Notice of Proposed Rulemaking, FCC 10-45 (rel. Mar. 24, 2010) (“NPRM”).

operators to participate in those drills, regardless of whether the operators are employees of the entities sponsoring or participating in the drills. Boeing agrees. Specifically, the Commission should serve the public interest by further amending Section 97.113(a) of its rules to permit amateur radio station control operators to participate in emergency preparedness drills sponsored by non-government entity employers, including Boeing.

I. THE COMMISSION SHOULD FURTHER AMEND ITS PART 97 RULES TO PERMIT AMATEUR RADIO STATION OPERATORS TO PARTICIPATE IN EMERGENCY PREPAREDNESS DRILLS SPONSORED BY NON-GOVERNMENT ENTITY EMPLOYERS

Boeing, and several other commenters, support amending Section 97.113(a) of the Commission’s Rules to allow amateur radio station control operators to participate in emergency and disaster preparedness drills sponsored by non-government entities, regardless of whether the operators are employees of the entities sponsoring or participating in the drills. In the NPRM, the Commission proposed that emergency tests and drills “must be sponsored by Federal, state, or local governments or agencies, in order to limit the narrow exception to ensure that drills further public safety.”² The Commission, however, sought comment on whether it should permit employee operation of amateur stations during non-government sponsored emergency drills.³

Several commenters, including ARRL, argued in favor of allowing non-government organizations to sponsor emergency communications drills and employee amateur radio station operators to participate in the drills.⁴ Those commenters urged the

² NPRM, ¶ 7.

³ *Id.*

⁴ *See* Comments of ARRL at 9-10, WP Docket No. 10-72 (filed May 24, 2010) (“ARRL Comments”); Comments of The City of Seattle Office of Emergency Management,

Commission to permit non-government entities such as the American National Red Cross, crisis centers, clinics and hospitals to sponsor emergency preparedness tests and drills. Allowing those disaster relief and response entities to sponsor drills would serve the public interest because of the large role such entities play in emergencies and disaster relief. They should have the ability to appropriately drill and prepare for emergencies, including backup amateur radio communications, just like governments.

For the same reasons, however, the public interest would also be served by allowing a private entity such as Boeing to sponsor an emergency preparedness drill. As discussed in Boeing's comments, Boeing maintains a vast emergency and disaster preparedness organization comprised of interconnected Emergency Operations Centers ("EOCs"), and its own private security force, fire department and medical responders.⁵ Boeing augments its private disaster preparedness organization with an emergency response community. The community includes an extensive network of employees and non-employees who are amateur radio station operators that provide backup emergency communications.⁶

Any definition of a non-government entity that supports public safety and that can sponsor an emergency preparedness drill should include large private entities such as

Seattle Auxiliary Communications Service and the Western Washington Medical Services Emergency Communications, Inc. at 6-7, WP Docket No. 10-72 (filed Mar. 30, 2010) ("Consolidated Seattle Comments"); Comments of the American Healthcare Association at 2, 6, WP Docket No. 10-72 (filed May 12, 2010); and Comments of The Metropolitan Chicago Healthcare Council at 9-12, WP Docket No. 10-72 (filed May 24, 2010).

⁵ See Comments of The Boeing Company at 2-4, WP Docket No. 10-72 (filed May 24, 2010) ("Boeing Comments").

⁶ *Id.*

Boeing. ARRL argued that “Amateur Radio licensee-employees of organizations active in emergency communications and disaster relief planning should be able to participate in all *bona fide* emergency communications drills and exercises, whether or not those drills or exercises are sponsored by a government entity.”⁷ The Consolidated Seattle Comments stated that “[w]e believe the commission should permit employee [amateur radio] operation when the emergency drill or test is sponsored by an agency or organization which supports public safety or public health, and the amateur radio service is part of that sponsoring organization or agency’s emergency preparedness plan.”⁸ The commenters may or may not have had an entity such as Boeing in mind as an emergency drill sponsoring organization. Nevertheless, with its extensive public safety and public health capabilities and responsibilities, Boeing would fit their descriptions of “organizations active in emergency communications and disaster relief planning” or an “organization which supports public safety or public health.”

Boeing agrees with ARRL that the amateur radio communications that would be permitted during emergency preparedness drills sponsored by non-government entities should be “carefully delineated.”⁹ Specifically, Boeing agrees that the communications should be limited to those “necessary to participation in emergency preparedness and disaster drills that include Amateur operations for the purpose of emergency response, disaster relief or the testing and maintenance of equipment used for that purpose.”¹⁰ In

⁷ ARRL Comments at 9.

⁸ Consolidated Seattle Comments at 6-7.

⁹ ARRL Comments at 10.

¹⁰ *Id.*

other words, Boeing supports ARRL's and the Commission's goal of protecting the non-pecuniary core of the amateur radio service.

II. PERMITTING AMATEUR RADIO STATION OPERATORS TO PARTICIPATE IN NON-GOVERNMENT SPONSORED DRILLS WOULD RENDER UNNECESSARY SOME OF THE OTHER CHANGES RECOMMENDED BY BOEING

In its comments, Boeing urged the Commission to permit amateur radio station operators who are employees of the entities participating in the government sponsored emergency and disaster preparedness drills to transmit within the 30-day period before the government sponsored test or drill for operational testing and capabilities-assessment purposes.¹¹ Extending the ability to sponsor emergency preparedness drills to non-government entities and allowing their employees who are also amateur radio control station operators to participate in those drills would make the need for a 30-day operational testing period moot.

Authorizing amateur operations during non-government sponsored emergency drills would not, however, have any affect on Boeing's argument that the Commission should permit amateur radio station operators to operate digital messaging stations on a continuous basis for emergency and disaster preparedness on behalf of their employers.¹² Such stations are operated as automatically controlled digital messaging stations pursuant to Section 97.221 of the Commission's Rules and conduct continuous system testing on a fully automatic or semi-automatic basis. Therefore, they should not be subject to an individually identified emergency preparedness drill.

¹¹ See Boeing Comments at 6-7.

¹² *Id* at 8.

III. CONCLUSION

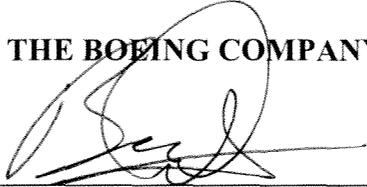
There is overwhelming consensus from the commenters in this proceeding that the public interest would be served by the Commission's proposed amendment to Section 97.113(a) of its rules to allow amateur radio station control operators to participate in government sponsored emergency preparedness drills, regardless of whether the operators are employees of entities participating in the drills. There is also significant support for allowing non-government entities to sponsor emergency preparedness drills. Boeing agrees that it would serve the public interest to allow non-government entities that support public safety or public health to sponsor emergency preparedness drills. Further, the definition of non-government entities should include large operators of emergency management systems such as Boeing. In each case, amateur radio station operators should be permitted to play a part in the drills regardless of whether the operators are employees of the entities sponsoring or participating in the drills.

Such an amendment to Section 97.113(a) would make a 30-day operational testing period before government sponsored tests unnecessary. It would not, however, affect the need for the rules to allow amateur radio station operators to operate automatically-controlled digital messaging stations with continuous system testing.

Respectfully submitted,

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