

August 13, 2010

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Federal Communications Commission  
Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

*Via e-mail and ECFS submission*

Attention: WTB Chief Ruth Milkman  
Mobility Division Chief Roger Noel  
WTB Chief Counsel Paul Murray, Esq.  
PSHSB Chief Jamie Barnett, jr.  
PSHSB Sr. Counsel Jeff Cohen, Esq.

RE: WP Docket #08-63 Petition for Reconsideration of ARRL  
and, Petitions to Deny application file no.s 0004270113, et al.

In light of: WP Docket #10-54 and #10-72 concerning provision of  
disaster/emergency communications by amateur radio...

Dear Chief Milkman, Chief Barnett, Chief Noel, and Counselors:

The FCC's recent decision in WP Docket #08-63 to favorably grant a 'waiver' to ReconRobotics has generated some passion in the amateur radio community regarding a potential threat to the spectrum amateur radio operators – including this one – enjoy. Since the adoption of the 'waiver' by the FCC, ARRL has filed a petition for reconsideration, and both myself and ARRL have filed petitions to deny up to eighty-four (84) applications for radio station license in the public safety (PW) radio service on 70cm amateur radio frequencies. However, given the longstanding good relations between these two complimentary and complementary radio services, it seems this matter could be settled relatively simply by the FCC answering a few short questions to clarify the existing rules and regulations. I doubt ReconRobotics will object to my asking these questions as the answers to those questions may considerably expand their potential market in the United States.

[1] Amateur radio already employs analog and digital television in a variety of emission modes in the 70cm band. Would there be any impediment within the rules and regulations governing the amateur radio service (Part 97) which would prohibit a licensed radio amateur from transmitting with one of ReconRobotics' devices as they are currently designed?

[2] Given the FCC's recent decision to amend the rules and regulations governing the amateur radio service in WP Docket No.s 10-54 and 10-72 to permit the use of amateur radio in disaster and emergency communications by persons employed by public safety organizations, is there any impediment within the rules and regulations governing the amateur radio service (Part 97) which would prohibit a licensed radio amateur, who is also a law enforcement official, from transmitting with one of ReconRobotics' devices during an emergency or disaster?

[3] In follow-up to these two questions, if impediments exist, which rules or policies under such rules would require modification to accommodate the use of ReconRobotics' transmitters by licensed radio amateurs who are law enforcement officials during an emergency or disaster? Would the FCC be amenable to making such an amendment if it is even necessary?

[4] If the answers to questions one (1) and two (2) above suggest that a law enforcement official with an amateur radio license could operate ReconRobotics' transmitters in connection with a disaster or emergency, would the FCC consider vacating the 'waiver' in WP Docket #08-63 and instead issue its order clarifying that the amateur radio service rules already permit the use contemplated by ReconRobotics?

Forgive me if these questions seem a bit silly: I am always hopeful that outcomes can be reached which favor all sides of a situation. I cannot imagine that ReconRobotics would object to a sudden enhancement to its ability to market these devices and I doubt the various (now 84) law enforcement agencies who have applied for licenses for these devices much care how they are authorized as long as they are! As an amateur radio operator, I personally have no objection to working side-by-side with the law enforcement community, including sharing spectrum with them – provided (and I assume they'd concur) it is done within the law, FCC rules, and existing policies. In advance, I appreciate your consideration of my questions. Because this amounts to an ex parte communication, I will post this e-mail message in ECFS under WP Docket #08-63. To you and yours, you have my...

Best wishes,

/s./ James E. Whedbee, NOECN  
James Edwin Whedbee, M.Ed.