

Experimentation comes in many forms. It can be exceedingly high tech such as exciting superconducting antennas or applying wave theory to UHF antennas such as cell phones or designing software algorithms to build SDR's. In most cases below 30 MHz, the project is going to need an external antenna. There are now entire metropolitan areas (like the greater Phoenix, Tempe, Gilbert, Mesa, Chandler area in Arizona) where over 99.99% of homes fall under HOA's that prohibit not only towers, but all wires external to the home. Experimentation outside of commercial ranges is becoming a thing of the past because the FCC has failed to protect its licensees and others from restrictions which prohibit participation in the Amateur Service. Our youth are virtually FORCED to be video game players because "experimentation" is against the HOA.

I'd like to say that the entire HOA debacle was forced upon the public by lawyers responding to the anti-redlining legislation. It is nothing more than a sophisticated way to side step the will of Congress using complex legal constructs designed to replace overt discrimination using a quasi legal procedure allegedly tucked within the protection of existing contract law. HOA "Covenants" are nothing more than a legal form of discrimination against minorities and the poor, and it's time for the FCC and Congress to realize this.

If you have to work on your own car, because you can't afford \$120/hour for a mechanic you can't live in our neighborhood. That keeps out most minorities, and page after page of restrictions targeting what is common practice in the segment of society less fortunate create arbitrarily enforceable "rules" that are used day in and day out to discriminate.

Many young experimenters in the past got their start in the backyard in a less affluent family. Today that kind of activity has been sacrificed for conformity in virtually EVERY backyard in some areas like greater Phoenix. America is now failing in every measure at every level from education to advanced technology, and a big part of this is related to the restrictions we've allowed people to place on our children, their creativity, and the diversity of their creative minds.

If the FCC wants to improve and expand the opportunity for Radio Experimentation, the very first thing they must do is pre-empt all restrictions on external antennas. I strongly recommend that all wire antennas strung on property belonging to any family or residence be preempted from HOA regulation, and that all licensed members of the Amateur Service be preempted from restrictions which would prohibit the construction of towers and antennas on them by an HOA. While a Congressional reaction to the discrimination aspects of the HOA system is long over due, the FCC is well within its authority to act in the preservation of a stream of creative persons who think outside the box when it comes to communication theory and experimentation. Many of the assumptions made during the 2002 ruling which stripped away its teeth have been proven inaccurate, most especially the footnotes, and it's time to bring this issue into the spotlight again. This is a clear case where one can easily show that actions used to discriminate actually harm society as a whole with perhaps

unintended consequences.

It is well known (and was when the HOA concept was first introduced) that poor families do not have the \$150 per month to allocate to cable, internet, and ip phone services, and must therefore rely on broadcast for entertainment and news. Look at the low end real estate in any major city worldwide and the evidence is there. Even in the USA Spanish broadcasting has become pervasive in many markets - for the same reason. HOA's increase the "cost of entry" by improper use of regulatory authority. Lawyers have essentially stolen the Commissions power to regulate all aspects of telecommunications and are doing it locally with the intent to strengthen discriminatory practices by raising the cost of entry to "premier" neighborhoods, and periods of rapid growth have now extended this to almost any neighborhood.

For the FCC to have an impact on communications technology and experimentation it must restore the foundational environment that was available to the young in the 60's. Perhaps in a generation or so we can regain our technological leadership. There is not a moment to lose.

Clearly what has happened with HOA's is un-American and against public policy. The Commission is perhaps the single most impacted Federal Agency outside of the banking committees. This gives the FCC the best opportunity to sound the alarm that HOA's must soon become a thing of the past by moving to limit their authority with a reasoned response designed to limit their authority once and for all with regard to all aspects of communications technology, including most especially experimentation.

It has been said that parents can live anywhere\*\*, so they make a choice to live in an HOA, perhaps restricting their little genius from experimentation on purpose.

This line of reasoning is defective. In general young experimenters must live with their parents and have no say in HOA consideration often because the decision is made before they are even born. Further, how many parents actually realize that their child failing in school might in fact become the next Albert Einstein or Marconi? No many. The logic is not complex. The will to take action depends of the Commission's ability to confront powerful special interests in what really is the defense of our future technologically.

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\*\* An entirely false assumption given the recent increases in the cost of fuel and transportation, which adds a new aspect uncommented on herein but left to the reader for consideration.