

I am going to begin this comment letter to state that this entire document is written of a personal nature and is not the opinion of my employer.

The Amateur Radio community is just that, a community. This community is made up of Federally licensed operators who at some point in their lives passed an exam and was awarded a Federally issued call sign that can be utilized to; experiment with radio and electronics; communicate around the world or locally using something as simple as Morse code or as complicated as digital voice; and can promote local and international good will just by operating a radio.

Now while an important piece of being a licensed amateur radio operator is actually operating a radio, some take it one step further and personally decide to be part of a local entities emergency communication group. The participation in this is a personal choice and for some provides personal satisfaction, although it is a personal choice just like choosing a residential neighborhood. Just like many in South Florida, I live in an HOA community that have in their CCR's a restriction on outdoor antennas and satellite dishes, even though they have not enforced these rules after the FCC passed federal regulation forbidding it, they are still there. My amateur radio antennas are mounted in the attic and cannot be seen. While this configuration is not perfect, it works for local UHF and VHF communications. My HF communications is even more limiting also using an attic mounted antenna. While it is out of the weather elements and away from neighbors, having the option to put an outdoor antenna in my backyard without jumping through many hoops would be a wonderful thing.

As to Emergency Communications and its place in disasters, Amateur Radio has its place and in years past (prior to 2001) Amateur Radio was the mechanism provided by an individual whose expertise was in communicating and may have provided their expertise for local entity for no pay and typically only asked for a safe place to operate during the course of the disaster. This function of emergency communications was typically not done in residential areas, at least around here. Since 2001 this whole process has changed and now we have seen entities, both government and commercial, across the US avoiding the deployment of Part 90 radio systems and equipment and replacing this with Part 97 equipment for their employees and volunteers. Personally, I believe the FCC made a **drastic mistake** in loosening the rules for entities that should be utilizing Part 90 equipment, which could actually be utilized by an amateur radio operator just like they would utilize Part 97 equipment or any employee of the organization. Utilizing Part 90 equipment there is no need for a "personal license" or the worry of being compensated while operating a radio. In short, an employee can use it, a volunteer amateur can use it, or an employee that is also licensed for Part 97 can use it. Now we have entities endorsing their employees to get licensed for one purpose and one purpose only, and that is to operate the radio for their employer. These individuals typically have no "interest" in electronics or even in operating a radio except in a disaster and I'm sure that this would be a secondary function to their primary duties. At that point these individuals are un-trained and much more of a liability than an asset as they have no real knowledge of radio protocols and more often than not will not have operational equipment.

As to the FCC's direct questions, I will answer some of them below:

1. **Importance of emergency Amateur Radio Service communications.** As noted above, the statute requires a review of the importance of emergency Amateur Radio Service communications relating to disasters, severe weather, and other threats to lives and property.
 - a. What are examples of disasters, severe weather, and other threats to life and property in which the Amateur Radio Service provided communications services that were important to emergency response or disaster relief? Provide examples of the important benefits of these services. **Locally this would be Hurricanes Frances, Jeanne, and Wilma.**
 - b. Under what circumstances does the Amateur Radio Service provide advantages over other communications systems in supporting emergency response or disaster relief activities? **Amateur Radio has the ability for the individual to operate anywhere and at anytime. They are not under the restrictions, such as under Part 90, that can limit the "operational area" of the equipment.** Under what circumstances does the Amateur Radio Service complement other forms of communications systems for emergency response or disaster relief? **Amateur Radio provides the ability to off-load administrative/non-critical communications from local systems (public safety, cellular, satellite, etc.)**
 - c. What Federal Government plans, policies, and training programs involving emergency response and disaster relief currently include use of the Amateur Radio Service? **Other than the FEMA COML, which can utilize Amateur Radio RACES, I am unaware of any others.**
 - d. What State, tribal, and local government plans, policies, and training programs involving emergency response and disaster relief currently include use of the Amateur Radio Service? **My County utilizes Amateur Radio in its ESF2 plan under its RACES Officer.** What additional plans and programs would benefit from the inclusion of Amateur Radio Service operations? **I see none that couldn't utilize Part 90 equipment to provide the same level of flexibility for a fixed location.** How would Amateur Radio Service operations fit into these plans and programs? **They could provide trained operators to utilize the equipment, no matter what the band.**
 - e. What changes to the Commission's emergency communications rules for the Amateur Radio Service (Part 97, Subpart E) would enhance the ability of amateur operators to support emergency and disaster response? **As noted in my first paragraph, I believe that they are too loose.**
 - f. What training from government or other sources is available for Amateur Radio Service operators for emergency and disaster relief communications? **The NIMS/ICS training is a must.** How could this training be enhanced? **I see no reason to enhance, it is a requirement.** Should national training standards be developed for emergency

communications response? **They already are. The FEMA COML provides this national training standard, but the amateur radio operator will find it difficult to get their task book signed off as they are usually not called out to a local incident where it could be signed off by the Incident Commander.**

- g. What communications capabilities, *e.g.*, voice, video, or data, are available from Amateur Radio Service operators during emergencies and disasters? **Locally analog voice is the simplest and most interoperable with all. The utilization of technologies, such as D-Star, is not embraced by the majority of operators and impedes interoperable communications.** Are there any future technical innovations that might further improve the Amateur Radio Service? **I believe the ability for Amateur Radio to be able to utilize small areas in 700 MHz. would make an improvement. As the current Amateur Operator is able to utilize spectrum in the VHF and UHF bands, they have the capability to monitor entities that they might serve who operate Part 90 equipment. With Amateur Radio having access to 700MHz, the same can occur with manufacturers that can provide equipment that can monitor those areas of the spectrum.**
- h. Are national standards in data transmission needed to enhance the ability of Amateur Radio Service operators to respond to emergencies and disasters? Are there restrictions with regard to transmission speeds that, if removed, would increase the ability of operators to support emergency/disaster response? If so, what issues could arise from removing these restrictions?
- i. Would it enhance emergency response and disaster relief activities if Amateur Radio Service operators were able to interconnect with public safety land mobile radio systems or hospital and health care communications systems? **Due to the unknown of the operator's capabilities, this can be a hindrance to a public safety network. I noted above the possible utilization of 700 MHz for Amateur Radio and believe that it should be kept separate.** What could be done to enable or enhance such interconnections? What issues could arise from permitting such interconnections?
- j. Should there be national certification programs to standardize amateur radio emergency communications training, mobilization, and operations? **The FEMA COML can be modified for such a purpose. How would such programs improve emergency communications? It would require the operator to have a pre-requisite to take many NIMS/ICS courses prior to completing the COML. This would standardize the operators capabilities and requirements.**

2. Impediments to enhanced Amateur Radio Service communications. The statute also requires that the study identify impediments to enhanced Amateur Radio Service communications and recommendations regarding the removal of such impediments.

- a. What private land use restrictions on residential antenna installations have amateur radio operators encountered? **In Florida there are many more than not. Almost every community has some sort of CCR that prohibits any antennas, to include TV antennas. Amateur Radio operators have become inventive by hiding antennas in attics, bushes, trees, flag poles, etc.** What information is available regarding the prevalence of such restrictions? **There is no finite resource. Researching this is difficult and is usually only provided after a contract is signed.** What are the effects of unreasonable and unnecessary restrictions on the amateur radio community's ability to use the Amateur Radio Service? **For some, it requires imagination. For some it is the total separation from the hobby.** Specifically, do these restrictions affect the amateur radio community's ability to respond to disasters, severe weather, and other threats to lives and property in the United States? **Absolutely they do. For those that have total separation from the hobby, it severely limits their ability to communicate and then we have an un-trained licensed individual that is nothing more than a numerical statistic for the FCC and the ARRL.** What actions can be taken to minimize the effects of these restrictions? **Create a set of overriding rules, such as the OTARD that allows for "reasonable antennas and satellite dishes", in the area that the owner has control over. These reasonable antennas can be something as simple as VHF and UHF verticals that can be up to 20' in height and ground mounted verticals that can extend 25' in height. If the general public can be allowed to install similar antennas to receive broadcast VHF and UHF transmissions up to 12' in height without any local permitting or approvals, then the Federally Licensed Amateur Radio Operator should be able to do the same and then some due to their experience and ability to transmit RF.**
- b. What criteria distinguish "unreasonable or unnecessary" private land use restrictions from reasonable and necessary restrictions? **The approval process, visual/height limitations, fall-zone issues, and the NIMBY issues.** How do local circumstances, such as neighborhood density or historic significance, affect whether a private land use restriction is reasonable or necessary? **Currently local density is not an issue with OTARD and it should have any issue with a "reasonable" amateur radio installation.**
- c. What steps can amateur radio operators take to minimize the risk that an antenna installation will encounter unreasonable or unnecessary private land use restrictions? **The only steps that they can take are to hide it, such as inside an attic.** For example, what obstacles exist to using a transmitter at a location not subject to such restrictions, or placing an antenna on a structure used by commercial mobile radio service providers or government entities? **The costs required to place equipment at these locations are typically not feasible to an individual amateur radio operator.**

- d. Do any Commission rules create impediments to enhanced Amateur Radio Service communications? **Not that I can think of.** Do disaster and/or severe weather situations present any special circumstances wherein Commission rules may create impediments that would not otherwise exist in non-disaster situations? **Absolutely – most of the amateur radio infrastructure by design is not built to withstand severe weather. Some have taken extra steps by utilizing commercial grade equipment, but most haven't.**
- e. What other impediments to enhanced Amateur Radio Service communications have amateur radio operators encountered? **Local prohibitions on using cellular devices have made mobile operations of amateur equipment difficult in some areas.** What are the effects of these impediments on the amateur radio community's ability to use the Amateur Radio Service? **Clearly limits mobile operations.** Specifically, do these impediments affect the amateur radio community's ability to respond to disasters, severe weather, and other threats to lives and property in the United States? **Unsure.** What actions can be taken to minimize the effect of these impediments?
- f. The legislation requires the Commission to identify "impediments to *enhanced* Amateur Radio Service communications."¹ What specific "enhance[ments]" to Amateur Radio Service communications have been obstructed by the impediments discussed above? **As noted above, the FCC should create similar rules that allow for "reasonable antenna installations and operation in areas that have CCR's. The rules should be clear and be a mandate that they be imported into local CCR's so all of the documents are identical from one community to the next. In addition, while local permitting authorities attempted to embrace PRB-1 there are vast differences in interpretations and while some communities will allow single or multiple towers on a residential lot, some are limited to a single VHF or UHF antenna mounted to the eve of house and that is considered "reasonable accommodations".**

¹ *Id.* at § 6414(b)(2) (emphasis added).