

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Emergency Communications by)
Amateur Radio Service Operators)

Docket No. 12-91

WRITTEN COMMENTS OF HAMS FOR ACTION

HAMS FOR ACTION is a Net-based, nationwide citizens' advocacy group which was active from 2006 to 2008 and has been recently revived to address the proceedings in FCC Docket 12-91. We advocate *reasonable* regulation of ham antennas by HOAs and landlords: not *deregulation* of ham antennas, but rather a reasonable balance between deregulation and the total bans on ham antennas which now prevail in so many American neighborhoods.

HFA strongly seconds the call by W. LEE McVEY, P.E. of Alabama -- in his Written Comments of May 4, 2012 -- for establishment of a 14-day Reply Comments period in this Docket. The Reply Comments deadline would be *Thursday, May 31*.

On May 10, 2012 -- inspired by the previously referenced Written Comments of W. Lee McVey W6EM (lee.mcvey@prodigy.net) -- NICK LEGGETT N3NL of Virginia (leggett3@gmail.com) sent the following E-Mail Message to William T. Cross of the FCC's Wireless Telecommunications Bureau (william.cross@fcc.gov) and Aaron Garza (aaron.garza@fcc.gov) of the FCC's Public Safety and Homeland Security Bureau:

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"Hello Mr. Cross,

"I am one of the commenters in GN Docket 12-91. Would you please let me know what the Reply Comment date is for this docket.

"I need to know this so that I can prepare comments that reply to parties that file on or just before the comment date of May 17, 2012. For example, I expect the ARRL to file on the comment date (May 17th). So I will need some time to evaluate their comments and to reply to them.

"Thank you for your help and have a good day.

"Nickolaus E. Leggett

"N3NL Amateur Radio Extra Class

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"May. 10, 2012

"cc: Mr. Aaron Garza, Public Safety and Homeland Security Bureau – FCC

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Mr. Cross responded:

"We are not asking for any reply comments."

Mr. Leggett then asked these questions:

"Doesn't the public have the right under the Administrative Procedures Act to file reply comments just as they do in the case of an NOI or NPRM? How can I reply to the ARRL if they file on May 17th and there is no Reply Comment period?"

"Nick Leggett"

Mr. Cross replied:

"The APA does not apply because the Commission is not proposing any rule changes. We are asking for input so we can prepare a report to Congress."

HAMS FOR ACTION is deeply distressed to learn that the FCC plans to deny the public the 14-day Reply Comments period which is customary in Federal regulatory proceedings. We urge the Commission to reconsider and reverse this decision.

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(1.) As Mr. Cross of the FCC has indicated, the FCC is preparing a report to *the United States Congress*. The information and recommendations in this report may become the basis for new statutory law on a matter of *national security*. We at HFA had expected that the gravity of this matter would motivate the Commission to collect as much information as possible, rather than the smallest amount of information that the Administrative Procedure Act arguably allows.

We acknowledge that Congress has given the Commission a very narrow time frame for completing its mission -- and we sympathize with the Commission staff as it copes with the pressures this narrow time frame must surely create. Nevertheless, the very fact that Congress has demanded results so quickly is a strong indication of the importance Congress has assigned to the Commission's task. We wonder how Congress will react once it learns that the FCC, in order to save 2 weeks of working time, has denied itself a major opportunity to acquire information on a matter Congress apparently considers vital.

(2.) Mr. Leggett, in his E-Mail Message to Mr. Cross, has indicated that he seeks an opportunity to respond to the Written Comments of the American Radio Relay League (ARRL). ARRL is unquestionably the leading public voice for American hams, but it is not the *only* public voice for American hams. HAMS FOR ACTION itself was created to serve as a voice for hams who do not believe ARRL has been opposing antenna bans with sufficient urgency nor crafting a proposed solution with sufficient clarity.

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If hams such as Mr. Leggett are not allowed the opportunity to address whatever ARRL may say, the FCC may acquire -- and then pass along to Congress -- an unduly narrow perception of the full range of perceptions and recommendations among American hams.

(3.) Mr. McVey, in his Written Comments of May 4, has stated that he hopes to respond to the Written Comments filed by several different parties in Docket 12-91. He has added that this task will be extremely difficult for him, if not impossible, if the 12-91 comment period is permitted to end on May 17.

The probable loss of the full range of input from Mr. McVey, a lifelong ham and a Professional Engineer, will be a major impairment to the Commission's ability to do its best on the task which Congress has assigned to it and treated as urgent. Even more disturbing is the thought that there may be other Lee McVeys Out There who will not offer the full range of their input because the Commission failed, inexplicably, to give them enough time.

Once again:

We urge the Commission to reconsider and reverse its mysterious decision to deny the public the 14-day Reply Comments period which is customary in a Federal regulatory proceeding.

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Respectfully submitted,

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Dated: May 11, 2012