

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Commission Seeks Comment on Emergency)	GN Docket No. 12-91
Communications by Amateur Radio and)	
Impediments to Amateur Radio)	
Communications)	
)	
)	

To the Commission:

Fourth Set of Comments from Nickolaus E. Leggett, N3NL

The following is my fourth set of comments in this docket. These are responses to specific questions from the Commission.

Response on National Standards for Data Transmission

In response to the Commission’s question, “Are national standards in data transmission needed to enhance the ability of Amateur Radio Service operators to respond to emergencies and disasters?” (Page 3 of the Public Notice)

The current amateur radio rules are adequate for effective emergency communications activity. The current amateur radio rules accommodate a diverse and creative amateur radio community. We are not a high speed communications data pipe for public service agencies, and yet we are able to provide effective digital and voice communications for served agencies. We need to preserve the technical and operating diversity of amateur radio. This diversity allows us to improvise communications systems in severe emergencies when commercial systems are down.

Response on National Certification Programs

In response to the Commission's question: "Should there be national certification programs to standardize amateur radio emergency communications training, mobilization, and operations? (Page 3 of the Public Notice)

The agencies using amateur radio public service communications already have detailed requirements for their volunteer amateur radio operators. So certification standards at the national level are redundant and unnecessary. Indeed, Federal standards would cause conflicts and confusion with the existing standards established by the served agencies. In addition, there is the concern that such national certification standards would lead to a regimented amateur radio which would lose its creative spontaneity and creativity.

Response on Private Land Use Restrictions

In response to the Commission's question, "What private land use restrictions on residential antenna installations have amateur radio operators encountered?" (Page 3 of the Public Notice) ,

The following are the antenna and radio regulations at the condominium that I live in.

Northgate Condominium - Reston, VA

"16. No unit owner shall cause or permit anything to be hung, displayed, or exposed on the exterior of a unit or common elements appurtenant thereto, whether through or upon the windows, doors, masonry, patio or balcony of such unit. The prohibition herein includes without limitation laundry, clothing, rugs, signs, awnings, canopies, shutters, radio or television antennas or any other items. Under no circumstances shall any exhaust fan, air conditioning apparatus, television or radio antennas or other items be installed by the unit owner beyond the boundaries of the unit. A unit owner may, however, use a central television antenna provided as a part of the unit.

38. All radio, television or other electrical equipment of any kind or nature installed or used in such unit shall fully comply with all rules, regulations, requirements or recommendations of the Board of Fire Underwriters and the public authorities having jurisdiction, and the unit owner

alone shall be liable for any damage or injury caused by any radio, television or other electrical equipment in such unit.”

This text is from the Rules and Regulations of Northgate Condominium in Reston, VA (as of April 24, 2012).

I am requesting that the Commission’s attorneys consider the Constitutionality of these and similar condominium regulations. I am an inventor who holds three United States patents (Reference One) and who has invented other technical devices as well which are unpatented. These condominium regulations are blocking my further invention of new antenna systems and new radio technologies. I am not even allowed to have tiny UHF antennas outdoors to test my theories of antenna design. As a result of this, I am stalled at a certain point of technology development which I cannot test in practice. This violates my basic Constitutional right to participate in the economy of the United States, and greatly inhibits other American inventors as well.

Of course, the condominiums can respond that any real estate purchase is a free and open contract freely arrived at. However, this is not actually the case. Every condominium unit contract in the United States almost without exception prohibits the establishment of outdoor amateur radio antennas. These contractual features are inserted in the contracts by the banks and the real estate interests. This situation results in a monopoly style market place where I cannot purchase a condominium unit that would allow me to continue my antenna and radio experimentation and inventing. Thus I cannot correct this imposition on my right to participate in the economy by moving to a different condominium unit. The same antenna prohibitions apply to rental apartment units. I cannot afford to move to a single-family house in this metropolitan area, and most single-family homes have antenna prohibitions as well that are enforced by their home owner associations.

These antenna prohibitions have a negative impact on the development of inventions for our economy, as well as a negative impact on amateur radio public service and emergency communications. The suppression of inventions for antenna design and radio communications prevents improvements to amateur radio public service communications that would have otherwise been available.

Respectfully submitted,

Nickolaus E. Leggett, N3NL

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May 14, 2012

Reference One: I am the inventor of the following inventions protected by United States patents:

United States Patent 6,771,935 Wireless Bus August 3, 2004

United States Patent 3,280,929 Ground-Effect Machine October 25, 1966

United States Patent 3,280,930 Ground-Effect Vehicle October 25, 1966

In addition, I have worked on other technical advances such as defining a “lighthouse protocol” for enhancing radio communications in the microwave frequency bands. I am also the inventor of a microwave-based insect killing system for greenhouse incoming air flows (unpatented).

I have the following technical credentials:

General Radio Telephone Operator Licensee with Ship Radar Endorsement. Amateur Extra Class Radio Operator (call sign N3NL). ISCET and iNARTE certified electronics technician.