

**Before The**  
**United States Federal Communications Commission**

**Washington, D.C. 20554**

In the Matter of	)	
	)	
First Post Superstorm Sandy Field	)	DA 13-140
Hearing	)	
	)	
Reliability and Continuity of	)	PS Docket No. 11-60
Communications Networks, Including	)	
Broadband Technologies	)	
	)	
	)	

**Statement For The Record**

COMES NOW, ROBERT L LINDSEY IV, before the United States Federal  
Communications Commission in the District of Columbia who pursuant to *Public Notice*, DA  
13-140, hereby respectfully submits his Statement for the Record.

Robert L. Lindsey IV  
[kd8orm@hotmail.com](mailto:kd8orm@hotmail.com)

*For Petitioners*

February 1, 2013

On February 1, 2013 the Federal Communication Commission (“Commission”) released a *Public Notice*, DA 13-140, soliciting comments from the public regarding the nation’s communications infrastructure during times of disaster. The Commission is charged with the task of managing, licensing, and enforcing laws relative to telecommunications. Individuals licensed by the Commission in particular radio services can during times of disaster provide crucial life saving auxiliary communications. Specifically licensees in the Amateur Radio Service provide auxiliary communications to a wide range of organizations and governmental agencies. Additionally licensees authorized as Commercial Radio Operators provide unique skills that could also potentially assist disaster recovery efforts.

However dealing with any nature disaster can raise significantly complex problems. During the chaos that ensued soon after hurricane Katrina approximately 5,000 children were separated from their families, as any one can imagine there was little to no properly working communication infrastructure in many affected areas. Dealing with a natural disaster like this is by no means considered to be easy. Therefore individuals with radiotelephone communications skills licensed by the Commission would most likely be deployed rapidly to provide emergency communications especially those licensed by the Commission in the Amateur Radio Service.

At all time individuals licensed by the Commission should maintain the highest ethical standers because when disasters occur that require individuals skilled in telecommunications technologies the public must be assured that Commission licensees will not act inappropriately or take advantage of any situation. For example Lockheed Martin currently has several space station licenses and its RPS satellites and their associated earth station provide a vital service integrated to the FAA’s overall Wide Area Augmentation System.<sup>1</sup>

Obviously any licensee in this service must maintain the highest ethical standers especially given the fact that much responsibility is required to control, maintain and operate any system of this kind, and Lockheed Martin has an exemplary record of ethics. The Commission must note that all licensees in radio services governed by the Commission share the radio spectrum with federal government licensees specifically PAVE-PAWS a radar detection system used by the United States Air Force for an early warning missile detection, aerospace defense and surveillance of objects in space. Section 312(a)(2) of the Communications Act of 1934, as amended (“Act”) provides that the Commission may revoke any license if “conditions come to the attention of the Commission which would warrant it in refusing to grant a license or permit on the original application.”<sup>2</sup> Allegations of relevant misconduct not related to statute enforced by the Commission<sup>3</sup> will in most cases receive no consideration unless it is determined to be “misconduct so egregious as to shock the conscience and evoke almost universal disapprobation.”<sup>4</sup>

---

<sup>1</sup> The Wide Area Augmentation System (WAAS) is a system that provides augmentation of GPS signals throughout the entire NAS to improve the accuracy, reliability and availability of space based air navigation capabilities.

<sup>2</sup> 47 U.S.C. § 312(a)(2).

<sup>3</sup> See *Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000) ((citing 1990 Policy Statement) (as to misconduct not related to the Commission generally “considers only adjudicated cases”)).

<sup>4</sup> See *Policy Regarding Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179, 1205, n.60 (1986) (“1986 Policy Statement”). See *Contemporary Media*, 214 F.3d at 192; 1990 *Policy Statement*, 5 FCC Rcd at 3253, n.5.

The Commission has found that because all felonies are serious crimes, any conviction provides an indication of an applicant's or licensee's propensity to obey the law and to conform to provisions of both the Act and the agency's rules and policies. Furthermore certain felonies involving egregious misconduct "might of its own nature constitute prima facie evidence that the applicant lacks the traits of reliability and or truthfulness necessary to be a licensee."<sup>5</sup>

Any sexually related offence constituting a felony conviction, especially those related to children raise a material question of fact regarding the applicant or licensee's requisite character qualifications to be and or remain a Commission licensee. Sex offenders will seek to use any means necessary to accomplish their goals and fulfill their own sexually perverse desires, and that includes using any telecommunications technology at their disposal.

The Commission is responsible for maintaining control over the use of the radio spectrum in a manner that promotes the public interest and convenience, individuals who engage in pedophilia cut at the heart of the Commissions responsibilities with no regard for federal laws put in place by the United States. Misconduct of this nature only stands as an obstacle to the accomplishment and execution of the full purpose and objectives of the federal government, and severely undermines the Commissions ability to serve in the public interest.

---

<sup>5</sup> See *Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000).

In 2009 a Washington D.C. federal court affirmed the revocation of a Commission licensee based on sexual offences involving children, finding that crimes of sexually related offences involving child molestation are “characterized by moral turpitude to such an extent they fall in the category of those that ‘shock the conscience’ and summon almost universal disapproval.”<sup>6</sup> In *Contemporary Media v. FCC* the United States Court of Appeals for the District of Columbia ruled that “it is hardly irrational to conclude that if an individual is unwilling to obey the law with respect to such patently criminal behavior as sexual assault on children, he will be equally unwilling to obey FCC rules that require openness and honesty with the Commission.”<sup>7</sup> Most sexual offenders have an extremely high risk of reoffending and are mostly unknown to people in the communities they reside in.<sup>8</sup> The Commission must consider the adverse affects of licensing an individual classified as a sex offender. Recently the Commission, as required by law, issued a *Report to Congress*<sup>9</sup> regarding the Amateur Radio Service, specifically the reports discussed the resilience of Amateur Radio Stations and how they have played a crucial role during times of disaster or emergencies.<sup>10</sup>

---

<sup>6</sup> See *Contemporary Media, Inc. v. FCC*, 214 F.3d at 193. See *Lonnie L. Keeney*, 24 FCC Rcd 2426, 2429, 8 (2009) (child sexual abuse is a “very serious crime which ... shocks the conscience.”); *Robert D. Landis*, 22 FCC Rcd at 19982, 7-8 (felony child molestation is “heinous” and egregious”).

<sup>7</sup> See *Supra* note 5.

<sup>8</sup> See <http://www.missingkids.com/missingkids/servlet/PageServlet?PageId=3032>.

<sup>9</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6414 (2012).

<sup>10</sup> See Commission Seeks Comment on Emergency Communications by Amateur Radio and Impediments to Amateur Radio Communications, Public Notice, GN Docket No. 12-91, 27 FCC RCd 3200 (WTB/PSHSB rel. Apr. 2, 2012).

Indeed, the Amateur Radio Service has proven to be invaluable to first responders and relief organizations such as the Red Cross, however the Commission must also consider the role Commercial Radio Operators play in assisting with disaster relief efforts. For example individuals who hold a General Radiotelephone Operator License ("GROL") are often employed by cellular telecommunication companies, and when a major disaster strikes a particular area of the nation GROL licensees are sent to assess, repair, and restore cellular and other communications service in an affected area. It is recommended that Commission review the competency of all its licensees to ensure the public safety. It is further recommended that the Commission in conjunction with the Federal Bureau of Investigation and the U.S. Department of Homeland Security cross reference personal identify information of certain Commission licensees to ensure the government can rely on these licensees. Additionally the federal government should build a database of all Commission licensees capable of assisting during times of disaster.

Respectfully Submitted,

By:   
Robert L. Lindsey IV