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

In the Matter of:	)	
	)	
REPORT ON PROCESS REFORM	)	**GN Docket No. 14-25**

To: The Commission

REPLY TO THE COMMENTS OF ARRL

The following is my Reply to the Comments of the American Radio Relay League, aka National Association for Amateur Radio[1] (ARRL) in the above captioned proceeding. Although no formal Reply Comment period was designated in this proceeding, I believe that material included in the ARRL Comments is sufficiently important that rebuttal commentary is warranted. I ask that the Commission accept my Reply to the ARRL Comments as timely filed in this matter.

I have been an Amateur Service Commission licensee since 1961 and a Commercial Radiotelephone licensee since 1964.[2] I have resided in three states over the last 25 years and have actively operated my equipment over that period and monitored or observed activity on Amateur allocations in the Western and Southeastern states. I have actively participated in activities sponsored and endorsed by ARRL. I am a member of ARRL, and like many amateurs, I do not agree with ARRL on many topics of interest, including what is at issue in this correspondence.

1. In its Comments, ARRL takes exception to some current practices within the Enforcement Bureau that it claims changed drastically and dramatically for the worse in 2009, following a personnel change. It claims that during the period 1998-2008,

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[1] At the time of this writing, ARRL subscriber/member base constitutes only about 20 percent of licensed United States Amateur Service licensees. Members were not surveyed in advance of its filing as to their wishes with respect to ARRL Comments.
[2] Amateur Extra Class License W6EM and General Radiotelephone Operator License PG-12-19879.

enforcement was more effective and expedient than it is today.[3] During that interval, hundreds upon hundreds of Amateur Service Warning Letters, Letters of Inquiry, admonishments, and operating restrictions were made public during the adjudication process. And, that somehow, as part of that practice, the apparent chilling effect of the publications resulted in fewer problems encountered on Amateur Service frequency allocations than is the case today.[4] ARRL must feel that it helped make this possible by republishing the letters in its online media and calling attention to them in its weekly e-publication, the *ARRL Letter*. Now, ARRL claims, Enforcement Bureau staff must obtain high level approvals before releasing any written communications. And, [that] it was not required in the earlier time period.[5]

2. As a recipient of ARRL publications, I always felt that revealing an accused person's name was unwise. Perhaps, even a violation of the Privacy Act.[6] Simply from the perspective that most of the letters issued were based upon another amateur licensee's testament or a neighbor's complaint. Today, however, the few released Enforcement Bureau letters that I've seen have been final, adjudicated matters and contain evidence collected by Bureau personnel; usually constituting a Notice of Apparent Liability for Forfeiture or Forfeiture Order. In many instances, I used to get the impression that the former FCC official was being used as a "battering ram" to achieve resolutions to disagreements that should have otherwise been resolved individually through negotiations. A service that ARRL itself could have provided, but failed to do so. In one of the old-style letters, I remember that a complaint was lodged maliciously by an amateur near Ocala, FL, and the accused was later excused from responding to a Letter of Inquiry. Since the complainant was another amateur, I anticipated seeing some form of punishment in a letter to him for having filed a false complaint, but nothing else was published, so it likely never happened. But, none the less, considerable damage was done to the innocent amateur's reputation by publication of the initial complaint details. On occasion, names and addresses were redacted. Usually, however, only the complainant names were withheld; and where interference complaints by an amateur involved a non-licensee operation of an appliance noise source.

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[3] ARRL GN14-25 Comments at 6.
[4] *Id*, at 7.
[5] *Id*, at 8.
[6] 5USC§552(a), *et.seq*.

3. Rights to individual licensee privacy could have frequently been violated by the Commission during the period in question, since it is doubtful that the recipients of said letters were asked in advance for permission to make the communications to them public. There was no assurance, prior to publication of such correspondence, that the complaints were factual beyond the testament of the complainant or what the complainant submitted. And, that they were not, instead, the result of personal dislike, argument or other unwarranted, malevolent intent. Always present at the bottom of Warnings and Letters of Inquiry was a cautionary statement about providing untruthful information in response back to a government official. I seriously doubted that similar words of caution were received by complainants in original complaint instructions, since those were never published.

4. ARRL revealed in its Comments that it contributed to the expenses of former Commission personnel to attend conferences, ham conventions, *hamfests* and perhaps even tours of its Newington headquarters.[7] A practice that it says is now prohibited by Commission policy, but not by law. Apparently, not-for-profit entities are allowed by law to reimburse the expenses of government employees attending private organization meetings, but for-profit entities are not.[8] The prior practice, if reinstated, could easily lead to a future conflict of interest should ARRL or one of its officials be the subject of enforcement action down the road. One can easily see why the Commission changed the policy and now chooses to prohibit such contributions. No organization, whether for-profit or not, should be allowed to bestow lavish favors upon employees of government regulators who are responsible for law and regulation enforcement of the very services or functions that the organizations themselves provide or represent.

5. ARRL asks that the Commission consider wider use of its Official Observer (OO) cadre volunteers in gathering evidence for its enforcement work.[9] While the idea sounds useful, what assurances are there that the observations and evidence gathered will indeed be objective? And, that there are OO performance standards such that OOs are not to investigate anyone known to them personally? Would ARRL subscribers or ARRL

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[7] *Id*, at 11.
[8] 5USC§4111(a)
[9] ARRL, *Op cit*. at 12.

Officials be held by OOs to a different standard than non-subscribers? Since ARRL wishes to call attention to what it sees as an increase in unlawful activities by some amateurs, perhaps it should consider publishing a weekly OO report in its *ARRL Letter* for all to see. In that way, it would fulfill what it apparently sees as a need for more visible monitoring, corrective actions and attendant publicity to expose the claimed lawlessness before a wide audience. This could be done by ARRL without creating Privacy Act concerns and additional burden upon the Commission.

Respectfully Submitted this 7th day of April, 2014,

/s/

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Certification of Service

This is to certify that a full and complete copy of the above Reply Comments was today placed in the United States Mail, First Class Postage Paid, addressed to the ARRL General Counsel at 14356 Cape May Road, Silver Spring, MD 20904-6011.

/s/

W. Lee McVey