



PUBLIC NOTICE

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COMMISSION SEEKS COMMENT ON EMERGENCY COMMUNICATIONS BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS

GN Docket No. 12-91

COMMENT DATE: May 17, 2012

By this *Public Notice*, the Federal Communications Commission's (FCC or Commission) Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau seek comment on the uses and capabilities of Amateur Radio Service communications in emergencies and disaster relief. As set forth below, comment is sought on issues relating to the importance of emergency Amateur Radio Service communications and on impediments to enhanced Amateur Radio Service communications. Stakeholder entities and organizations, including the Amateur Radio, emergency response, and disaster communications communities, are particularly encouraged to submit comments.

Background

The amateur radio service is available for persons who are interested in radio communications techniques solely with a personal aim and without pecuniary interest. It presents an opportunity for individuals to self-train, communicate with other amateur radio licensees, and carry out technical investigations. The amateur service rules are designed to allow, among other things, stations in this service to make transmissions necessary to meet essential communication needs and to facilitate relief actions. Amateur radio operators have been useful in recent years in augmenting essential communication services and providing communication links when normal communication systems are overloaded or not available. For example, amateur radio operators provided storm observations and damage reports to the National Weather Service when winds and tornadoes moved through Arkansas and Alabama in January 2012, and provided communications to villages along the Bering Sea when a November 2011 severe winter storm knocked out power lines and communications.¹

Public Law 112-96, the *Middle Class Tax Relief and Job Creation Act of 2012*, requires the Commission, in consultation with the Office of Emergency Communications in the Department of Homeland Security, to complete a study on the uses and capabilities of Amateur Radio Service

¹ See, e.g., American Radio Relay League, "Hams in Arkansas and Alabama Help Provide Assistance to NWS During Severe Sunday Storms," available at <http://www.arrl.org/news/hams-in-arkansas-and-alabama-help-provide-assistance-to-nws-during-severe-sunday-storms> (last accessed on March 26, 2012); American Radio Relay League, "When Brutal Storm Slams Alaska, Hams Provide Critical Communications," available at <http://www.arrl.org/news/when-brutal-storm-slams-alaska-hams-provide-critical-communications> (last accessed on March 26, 2012).

communications in emergencies and disaster relief; and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such study.²

The statute requires that the study include a review of the importance of emergency Amateur Radio Service communications relating to disasters, severe weather, and other threats to lives and property in the United States; and recommendations for enhancements in the voluntary deployment of Amateur Radio operators in disaster and emergency communications and disaster relief efforts and improved integration of Amateur Radio operators in the planning and furtherance of initiatives of the Federal Government.³ The statute also requires that the study identify impediments to enhanced Amateur Radio Service communications and recommendations regarding the removal of such impediments.⁴ The statute specifically identifies "the effects of unreasonable or unnecessary private land use restrictions on residential antenna installations" as an example of such an impediment.⁵ In conducting the study the Commission is directed to use the expertise of stakeholder entities and organizations, including the Amateur Radio, emergency response, and disaster communications communities.⁶

Comments on this *Public Notice* will aid the Commission in completing the study that is submitted to Congress. Comments must be submitted within **45 days** of the date of this *Public Notice*.

Questions

We pose specific questions below to provide structure for commenters. Commenters may also address questions not set forth below that relate to the topics of the study to be submitted to Congress. Commenters should not, however, view this *Public Notice* as an opportunity to seek Commission rulings regarding specific situations.

- 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.
 - b. Under what circumstances does the Amateur Radio Service provide advantages over other communications systems in supporting emergency response or disaster relief activities? Under what circumstances does the Amateur Radio Service complement other forms of communications systems for emergency response or disaster relief?
 - c. What Federal Government plans, policies, and training programs involving emergency response and disaster relief currently include use of the Amateur Radio Service? What additional plans, policies, and training programs would benefit from the inclusion of Amateur Radio Service operations? How would Amateur Radio Service operations fit

² See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6414 (2012).

³ See *id.* at § 6414(b)(1).

⁴ *Id.* at § 6414(b)(2).

⁵ *Id.* at § 6414(b)(2)(A).

⁶ *Id.* at § 6414(c).

- into these plans and programs?
- 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? What additional plans and programs would benefit from the inclusion of Amateur Radio Service operations? How would Amateur Radio Service operations fit into these plans and programs?
 - 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? In addition, are there any specific changes that could be made to the technical and operational rules for the Amateur Radio Service (Part 97, Subparts B, C, and D) that would enhance the ability of amateur operators to support emergency and disaster response? What other steps could be taken to enhance the voluntary deployment and effectiveness of Amateur Radio Service operators during disasters and emergencies?
 - f. What training from government or other sources is available for Amateur Radio Service operators for emergency and disaster relief communications? How could this training be enhanced? Should national training standards be developed for emergency communications response?
 - g. What communications capabilities, *e.g.*, voice, video, or data, are available from Amateur Radio Service operators during emergencies and disasters? Are there any future technical innovations that might further improve the Amateur Radio Service?
 - 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? 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? How would such programs improve emergency communications?

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? What information is available regarding the prevalence of such restrictions? What are the effects of unreasonable and unnecessary restrictions on the amateur radio community's ability to use the Amateur Radio Service? 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? What actions can be taken to minimize the effects of these restrictions?
- b. What criteria distinguish "unreasonable or unnecessary" private land use restrictions from reasonable and necessary restrictions? How do local circumstances, such as neighborhood density or historic significance, affect whether a private land use restriction is reasonable or necessary? How does the availability of alternative transmitting locations or power sources affect the reasonableness of a particular private land use restriction?

- 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? 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?
- d. Do any Commission rules create impediments to enhanced Amateur Radio Service communications? What are the effects of these rules on the amateur radio community's ability to use the Amateur Radio Service? 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? What actions can be taken to minimize the effects of these rules?
- e. What other impediments to enhanced Amateur Radio Service communications have amateur radio operators encountered? What are the effects of these impediments on the amateur radio community's ability to use the Amateur Radio Service? 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? 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."⁷ What specific "enhance[ments]" to Amateur Radio Service communications have been obstructed by the impediments discussed above?

Procedural Matters

A. Comment Filing Procedures

Interested parties may file comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121-01 (1998). **In order to facilitate staff review of the record, commenting parties should organize their comments, where applicable, using the above headings.**

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

⁷ *Id.* at § 6414(b)(2) (emphasis added).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

B. Ex Parte Status

The proceeding this *Public Notice* initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁸ Persons making *ex parte* presentations file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

C. Accessible Formats

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information contact: William T. Cross, Mobility Division, Wireless Telecommunications Bureau, (202) 418-0680 (voice), (202) 418-7233 (tty), or William.Cross@fcc.gov (email); or Aaron Garza, Public Safety and Homeland Security Bureau, (202) 418-1175 (voice), (202) 418-7233 (tty), or Aaron.Garza@fcc.gov (email).

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⁸ See 47 C.F.R. §§ 1.1200(a), 1.1206. *et seq.*