

Emergency Communicators to FCC: "Read the Rules"

The following commentary, on an important ham radio issue of the day, represents only the views of the author and does not necessarily reflect the views of CQ magazine or its publisher, CQ Communications, Inc. A different perspective on the same issue may be found in the "Emergency Communications" column of the January 2010 issue of WorldRadio Online.

As fellow Em Comm volunteers, we know the value of a ham radio advisor within a served agency. That agency could be the American Red Cross, the National Weather Service, Search and Rescue, or as innocuous as the local animal shelter which volunteers to take in dogs and cats after a big flood.

However, FCC Attorney Laura Smith, in a harsh statement, says hams who work for emergency response agencies may not participate in amateur radio drills on behalf of their agencies: "If they are (an) ... employee, they may not use the radio on behalf of their employer—period." She further details that even if the amateur operator is off duty or on his (or her) lunch hour, and even though his job description does not include the so-called operation of the amateur radio, and even though he may not be getting paid specifically to take part in a drill, "there are no machinations you come up with, there is no loophole in the rule."

This deals specifically with "pecuniary interest," and the illegal use of ham radio to specifically benefit your employer. It makes sense to me, but shouldn't we be more concerned with the content of the actual drill or exercise in ham communications than a blanket statement of illegality to work a drill if you are employed in any agency that has *anything* remotely to do with disaster preparation?

The animal shelter ham vet can't take part in an evacuation scenario drill? The hospital ham receptionist can't check in on the local weekly ARES net? The local TV weatherman can't work a simulated tornado drill?

Retired FCC enforcer Riley Hollingsworth once wrote, "...it is ok so long as the station is being used for amateur purposes and not for county or agency business. To say otherwise would result in a situation where a licensee could not use the system at the county building merely because they are on the payroll. ...a ham operator is not barred from using an amateur station in an agency or county building just because he happens to work for the agency or county." (The full transcript of that message may be requested by e-mail from <decision@sbcglobal.net>.)

Emergency agencies throughout the country are directing their staffs to have no on-air part of any ham radio activity that has anything remote-

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Under current interpretation of FCC rules, the ham station at the National Weather Service's Juneau, Alaska, forecast office is off limits to any ham who happens to work for the weather service. (Photo by Larry Mulvehill, WB2ZPI)

ly to do with the function of their agency. All the hard work we have put in to support our local served agencies has been undone by one view of rule interpretation.

Should we not judge the pecuniary interest potential rule violation by the content of the communication? If the vet indicates his shelter can take stray animals at \$20 a pop, no good. An NGO (non-governmental organization) using ham Pactor airmail to bring in daily supplies to their shelter, no good. A for-profit ocean weather routing service guiding ham buddies around the Pacific high, no good.

It's the content, not the employee contract, that should spell what we as employees might offer in disaster preparedness. The fact of employment should not prevent us from fulfilling one of the fundamental purposes of amateur radio, Part 97.1 (a), recognition and enhancement of the value of the amateur service to the public as a voluntary, non-commercial communications service, *particularly* with respect to providing emergency communications.

As one of the three authors of a petition for rule making that adds a single paragraph, and the words "... without regard to whether the amateur operator has related employment ...," I hope you will carefully study all views on this issue and support your own beliefs with comments that you may direct to me (or go direct) and I will forward them to the Commission within the comment period.