

Ham Radio Matters

Does the FCC care about amateur radio? A year ago, in our reader survey we asked where you believed amateur radio ranked among the FCC's priorities. Nearly three-quarters of the respondents felt that ham radio had a lower priority for the commissioners than other services, and one in five felt it had a very low priority. One recent FCC action, though, suggests that ham radio does *indeed* matter to the FCC, "particularly with respect to providing emergency communications" (to quote from the Basis and Purpose of the Amateur Radio Service in the FCC rules).

This was the Commission's very prompt—one might even be tempted to say quick—action on clearing up the question of whether licensed employees of emergency response agencies (both governmental and non-governmental) may use amateur radio during drills. The speed with which this action was taken reflects both on streamlined procedures at the FCC and on the importance that the Commission places on the ability of hams to be part of an organized response to an emergency or disaster, and to get through "when all else fails."

In case you've missed the discussions and debate over this issue, it all started about a year ago, when a ham who worked for a hospital wrote in an internet posting that he had set up an amateur station at his workplace and operated it during a disaster drill, representing the hospital. He was informed by the FCC that Section 97.113 of its rules prohibited him from operating that station on behalf of his employer, even during a drill. Large-scale confusion followed, as it became unclear exactly what was and was not allowed.

Hundreds (perhaps thousands) of hams work for emergency response or emergency management agencies and often are central players in seamlessly bringing together amateur radio and public safety communications during emergencies and disasters when time wasted waiting for a non-employee ham to arrive at a command center could cost lives. Hundreds more work for "critical infrastructure" agencies, such as hospitals, whose emergency plans may include having hams on staff who can link into amateur emergency networks when normal communications fail.

Until last year, the FCC has stayed silent on these arrangements, implicitly recognizing that they helped serve the public interest. Under closer examination, though, it became clear that they conflicted with the "letter of the law" in 97.113. The conclusion of the FCC's enforcement staff was that while such use was permitted during an actual emergency—when a ham may use "any means of radiocommunication at his/her disposal to provide essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available" (97.403), it was prohibited at all other times, including emergency drills.

Since training and practice are essential to effective communication during a real emergency, many organizations began reconsidering their relationships with amateur radio emcomm (emergency communications) groups. Suddenly, the vaunted ability of amateur radio to provide communications "when all else fails" came into question, not because of technology or operator skills but because of bureaucracy.

As the storm of controversy threatened to build to hurricane strength, the FCC moved to calm the waters by offering to issue waivers, on a case-by-case basis, for government-sponsored emergency drills. A steady stream of requests started coming in to Washington, doubtlessly straining the resources of FCC staff. To our knowledge, no legitimate waiver request was ever denied. At the same

time, the American Hospital Association requested a blanket waiver on behalf of its members, since one element for ongoing hospital accreditation is having drills twice a year which include provisions for emergency communications. In addition, several petitions for rule making were filed, suggesting different approaches to solving the problem.

In March, only about six months after this problem surfaced, the FCC issued a Notice of Proposed Rule Making in which it proposed granting blanket authority for employee-hams to participate in emergency drills, but only those sponsored by government agencies. The comment deadline was set at April 24, with reply comments due by June 7. Barely a month after the June 7 comment cutoff, the FCC released its Report and Order, making it permissible for employees of both governmental and non-governmental agencies to use amateur radio in emergency drills. In explaining its decision, the FCC said that "(a)lthough public safety land mobile radio systems are the primary means of radio-based communications for emergency responders, experience has shown that amateur radio has played an important role in preparation for, during, and in the aftermath of natural and man-made emergencies and disasters."

The new paragraph of Section 97.113(a)(3)—which takes effect immediately upon publication in the *Federal Register*—reads as follows:

"(i) A station licensee or control station operator may participate on behalf of an employer in an emergency preparedness or disaster readiness test or drill, limited to the duration and scope of such test or drill, and operational testing immediately prior to such test or drill. Tests or drills that are not government-sponsored are limited to a total time of one hour per week; except that no more than twice in any calendar year, they may be conducted for a period not to exceed 72 hours."

It is clear, it is concise, and it sets limits to prevent abuses. Whether or not you agree with the decision, the important thing is that hams, emcomm groups and served agencies now have clear guidelines under which to operate. Perhaps equally important is the fact that the FCC clearly feels that amateur radio's role in emergency and disaster communications is just too significant to be left hanging in a cloud of uncertainty. We all can now get back to structuring plans and procedures that permit hams not only to provide emergency communications "when all else fails," but to conduct the necessary "self-training" that makes everything run much more smoothly when our help is needed. Our thanks to the Commissioners and the staff members behind the scenes, apparently in several bureaus, who made the wheels of government turn as quickly as possible in this case.

Young Ham of the Year

On page 63 in this issue, we have a brief profile of 2010's Newsline Young Ham of the Year, Cody Anderson, KI4FUV. In addition to congratulating Cody, we also want to congratulate *Newsline's* Bill Pasternak, WA6ITF, and everyone else involved in the YHOTY program, on reaching its 25th anniversary. Cody, who is 17, was born eight years *after* the first YHOTY award was issued, in 1986. CQ is proud to have been a corporate co-sponsor of the program for many of those years, along with Yaesu (Vertex-Standard) and, more recently, Heil Sound.

The first awardee, Shawn Wakefield, WK5P, is now an electrical engineer who holds eight patents and runs his own software company. His wife and two of his children hold ham licenses as well! "Ham radio has been a fantastic hobby for me," he recently told WA6ITF ... more proof that whether we are talking about emergency communications or future leaders in technology, clearly ham radio matters.

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