

E-mail Exchange with FCC

Thu 10/29/2009 9:38 AM

Mr. Cross,

Thank you very much for providing these clarifications. We greatly appreciated your prompt response.

Diana Feinberg, AI6DF

----- Original message from "William Cross" <William.Cross@fcc.gov>: -----

Here are the answers to your questions:

1. Can governmental units that are not "public safety agencies" (in our case, a public school district and a public library district) directly seek DA 09-2259 waivers for their employee amateur radio operators to participate in periodic disaster preparedness drills or radio checks?

The "government entity conducting" the government-sponsored emergency preparedness and disaster drill must request the waiver. This entity has oversight responsibility for the drill. As part of the oversight responsibility, it should have knowledge and approve of who is doing what, where, when, and how during the drill. By requiring the conducting entity to file the waiver request, we can implicitly assume that it has decided that the licensees on whose behalf it is requesting the waiver need to transmit messages on behalf of their employers, who those employees are, why they need to do this, etc.

1A. Can non-governmental hospitals also directly seek DA 09-2259 waivers? No-see above

2. If public school and library districts as well as non-governmental hospitals are not permitted to directly seek DA 09-2259 waivers, must the drills involving such organizations' amateur operators be sponsored only by a public safety agency (such as a Fire, Police or Sheriff's Department) to be eligible for a waiver?

The waiver is available for a "government-sponsored emergency preparedness and disaster drill." The request must come from "the government entity conducting the drill. This may be an organization other than a Fire, Police or Sheriff's Department, such as a state office, Federal agency or sub-part, etc, but we believe will generally be a public safety agency.

From: Diana Feinberg
Sent: Thursday, October 29, 2009 12:51 AM
To: William Cross
Subject: Clarification to Public Announcement DA 09-2259

Mr. William T. Cross
Wireless Telecommunications Branch, Mobility Division
Federal Communications Commission
Washington, DC

Dear Mr. Cross:

We would appreciate two clarifications regarding FCC Public Announcement DA 09-2259, dated October 20, 2009. As written, Public Announcement DA 09-2259 specifically references "state and local government public safety agencies" that occasionally conduct emergency preparedness or disaster drills including amateur radio operators.

Specifically, after discussion among several of our people we would like a clarification on these two aspects:

1. Can governmental units that are not "public safety agencies" (in our case, a public school district and a public library district) directly seek DA 09-2259 waivers for their employee amateur radio operators to participate in periodic disaster preparedness drills or radio checks? Can non-governmental hospitals also directly seek DA 09-2259 waivers?
2. If public school and library districts as well as non-governmental hospitals are not permitted to directly seek DA 09-2259 waivers, must the drills involving such organizations' amateur operators be sponsored only by a public safety agency (such as a Fire, Police or Sheriff's Department) to be eligible for a waiver?

As background information to our clarification requests: I am an amateur operator in the Los Angeles County Disaster Communications Service, a volunteer amateur radio organization overseen by the Los Angeles County Sheriff's Department. Two of our projects have been ensuring back-up disaster communications using amateur radio for a 12,000-student public school district and a large public library district, both located in an area with difficult radio communication due to steep terrain. These two districts are recognized political subdivisions of Los Angeles County and have 85 licensed amateur radio operators employed across their respective sites. More recently, a nearby non-profit hospital has sought back-up disaster communication ability using 18 amateur operators who work at its two facilities.

All licensed amateurs employed at these locations understand their on-site amateur equipment may be used only during an actual disaster or during brief periodic radio checks we use to ensure equipment readiness. In addition, use is permitted for an annual disaster drill (now coinciding with the state-wide California "Great ShakeOut" earthquake drill). Disaster preparedness is taken very seriously here because earthquakes, our greatest threat, strike without any advance warning.

We do support the FCC's role in providing clarity to Part 97.113 in the post-9/11, post-Hurricane Katrina environment and are indeed thankful for your office's efforts in this

regard.

We would appreciate receiving the above two clarifications to Public Announcement DA 09-2259 at your earliest convenience along with the specific person and address to send the waiver request. Our radio checks and drills are on hold awaiting your guidance.

Sincerely yours,

Diana J. Feinberg, AI6DF

District Communications Officer (Volunteer)
Los Angeles County Disaster Communications Service
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