



Northwest Tribal Emergency Management Council

COLVILLE | December 17, 2009

COEUR D'ALENE

The Honorable Janet Napolitano

COWLITZ

Secretary

HOH

U.S. Department of Homeland Security

Washington, DC 20528

LOWER ELWHA

KLALLAM

The Honorable Julius Genachowski

LUMMI

Chairman

MAKAH

Federal Communications Commission

Washington, DC 20554

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Dear Secretary Napolitano and Chairman Genachowski:

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As Tribal emergency managers, we applaud the recent FCC Public Notice¹ where the Commission recognizes the benefits of “Amateur Service Communications During Government Disaster Drills”. The Commission notes “the value of the amateur service to the public as a voluntary noncommercial communications service, particularly with respect to providing emergency communications, is one of the underlying principles of the amateur service”. The emergency management community also recognizes this value through the incorporation of amateur radio into emergency plans and practices, such as the Emergency Support Functions (ESFs) under the Incident Management System.

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However, we note the Commission explicitly states “... the amateur service is not an emergency radio service. Rather, it is a voluntary, non-commercial communication service authorized for the purpose of self-training, intercommunication and technical investigations carried out by licensed persons interested in radio technique solely with a personal aim and without pecuniary interest.”

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While 47 C.F.R. § 97.3(a)(4) does provide a definition of the amateur service, we in the emergency management community consider the amateur service to be a vital emergency radio service in our emergency plans, and believe amateur radio should be recognized as an emergency radio service consistent with 47 C.F.R. § 97.3(a)(3), 47 C.F.R. § 97.3(a)(37), and 47 C.F.R. § 97 Subpart E--Providing Emergency Communications. We note the International Telecommunications Union² (ITU) recognizes the amateur service being part of emergency radiocommunications in the alerting and relief phases of a disaster, and internationally the amateur service is “expected to provide a service in the sense of service for the public³” through a network of stations and skilled operators.

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¹ FCC Public Notice DA-09-2259, October 20, 2009

² <http://www.itu.int/ITU-R/index.asp?category=information&link=emergency&lang=en>

³ International Amateur Radio Union (<http://www.iaru.org/emergency/introduction.html>)



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When employees of emergency management, hospitals, or other organizations dedicated to providing disaster relief or public safety include the amateur service as part of their emergency plans, we believe it should not be viewed “in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer”, but rather as using any means available to support the public need. As the commission rules state (47 C.F.R. § 97.403), “No provision of these rules prevents the use by an amateur station of any means of radiocommunication at its 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”. In emergencies, “normal communication systems not available” should be viewed not only as system outages, but also overloads of existing systems and prioritization of communications on existing systems with the realization that those systems may not be able to handle the volume of communications during an emergency. This is where the amateur service comes to play – to provide an alternate/complementary means when other modes fail, to handle lower priority traffic and free other modes for higher priority communications, and to provide a trained pool of dedicated volunteers ready to support the public need.

We appreciate the Commission defining a method to support “the public interest in facilitating government-sponsored emergency preparedness and disaster drills” through the process for requesting a waiver. The waiver process as defined in the Public Notice, however, does impose requirements on the emergency management community where such waiver “must be requested prior to the drill, and employees may not transmit amateur communications on their employer’s behalf unless the waiver request has been granted”. In a recent Petition for Rulemaking⁴, the Commission has been asked to consider a change to the rules to allow for “transmissions necessary for disaster relief or emergency response, including training exercises, planning, drills or tests, without regard to whether the amateur operator has related employment, where the transmissions are for the exclusive use of amateur radio operators for noncommercial purposes”. We support this Petition for Rulemaking and ask the Commission consider a proceeding to incorporate the changes into 47 C.F.R. § 97.113. Prior to rulemaking, we ask the Commission to reconsider the waiver rules and provide a process for waiver requests from government entities (including healthcare) to receive a permanent waiver to allow for “transmissions necessary for disaster relief or emergency response, including training exercises, planning, drills or tests” with the understanding that amateur licensees employed by or supporting the government entity shall operate under full compliance with the rules, has no pecuniary interest beyond employment with the government entity, and is supporting the government entities disaster relief or emergency response function.

Accordingly, we would encourage both DHS and the FCC to consider the main points in this letter:

- Recognize that emergency management views the amateur radio service a vital part of the emergency support functions;
- Recognize the amateur service plays a vital role in emergency communications and public safety, and should thus be recognized as an emergency radio service;

⁴ Petition for Rulemaking filed with the FCC by the Amateur Radio Policy Committee - Gordon West, WB6NOA; Tom Blackwell, N5GAR; David Coursey, N5FDL on October 15, 2009.



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- Recognize that employees of government entities that have emergency relief as part of their mission may also be a licensee of the amateur radio service;
- Recognize that employee and non-employee volunteers for these government entities require training in disaster drills and exercises to develop their skills;
- Recognize these volunteers are dedicated to supporting the public without pecuniary interest.

We ask that the Commission reconsider the waiver process to allow for permanent waivers for government entities, and establish a rulemaking proceeding concerning the Petition for Rulemaking related to 47 C.F.R. § 97.113. Further, we ask the Commission to consider expanding the definition of the amateur service recognizing the vital role as an emergency radio service.

Sincerely,

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