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## Electronic Filing

Subject: U.S. Forest Service  
U.S. Department of Agriculture  
RIN 0596-AD44

These comments are in response to the U.S. Department of Agriculture / Forest Service proposal to adopt annual programmatic administrative fees for new and existing communications use authorizations as outlined in a proposed rule published on December 22, 2021, RIN 0596-AD44.<sup>1</sup> These fees would be in addition to the annual rental fees<sup>2</sup> and cost recovery fees<sup>3</sup> that are currently being collected. The American Radio Relay League (ARRL) requests that amateur radio facilities be exempt from the proposed new fees.

## INTRODUCTION

The American Radio Relay League (ARRL) is a nationwide amateur radio membership association with some 160,000 members. ARRL's mission is "To advance the art, science, and enjoyment of Amateur Radio." ARRL has been pursuing this goal since its founding in 1914.

Amateur radio operators in the United States are licensed under the Communications Act, 47 U.S.C. §§ 151 *et seq.*, and governed by the Federal Communications Commission (FCC) pursuant to regulations set forth at 47 C.F.R. Part 97. In Part 97 the FCC recognizes the Amateur Service as a voluntary noncommercial communication service, its role with respect to providing emergency communications, and its devotion to advancement of the radio art, the technical and communication skills associated with it, and the international goodwill that it brings.

## AMATEUR RADIO USES SHOULD BE EXEMPT FROM THE PROPOSED NEW FEES

Although the discussion put forward by the Forest Service in its proposal focuses on commercial uses, the proposal would sweep within its requirements amateur radio uses that are solely non-commercial. Radio amateurs establish and maintain facilities at certain locations for public service purposes with no remuneration or reimbursement. Unlike broadcasters and commercial wireless and fiber providers, radio amateurs are uniquely barred by the terms of their federal licenses from receiving

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<sup>1</sup> 86 Fed.Reg. 72540 (publ. Dec. 22, 2021).

<sup>2</sup> 36 C.F.R. § 251.57.

<sup>3</sup> 36 C.F.R. § 251.58.

compensation of any sort for the voluntary communication services and the associated equipment that they operate and maintain for the public good on lands administered by the Forest Service.

More specifically, in Section 97.1(a) of the FCC's rules, the Commission explicitly recognizes "the value of the amateur service to the public as a **voluntary noncommercial communication service, particularly with respect to providing emergency communications.**" In Section 97.3(4) it defines the Amateur Service as being composed of "duly authorized persons interested in radio technique **solely with a personal aim and without pecuniary interest.**" And consistent with these requirements, in Section 97.113(a)(2),(3), the FCC prohibits amateur "Communications for hire or for material compensation, direct or indirect, paid or promised" and "Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer" (with limited exceptions). (Emphasis added.)<sup>4</sup>

Non-commercial and uncompensated communication uses by radio amateurs within Forest Service areas long have served the public interest in many ways, among them by providing the means for otherwise unobtainable emergency communication capabilities in times of need. Amateurs perform this valuable public service without cost to taxpayers. The importance of these capabilities have been demonstrated repeatedly. Several accounts of amateur service are attached. These are only examples – there is an almost unlimited supply of similar accounts stretching back more than one hundred years.

The skills of amateur operators have served our country well with their carefully located equipment when enabling exchanges of possibly life-saving messages in difficult terrain during forest fires, extending communications assistance help during hurricanes, and providing communications capabilities during search-and-rescue missions in remote areas. At such times established stations and operator skills are greatly needed.

With regard to Amateur Radio facilities located within Forest Service lands subject to this proceeding, we emphasize that the equipment, its maintenance, and associated costs are borne solely by the volunteer radio amateurs themselves. As noted above, unlike broadcasters, cellular and broadband providers and those employing fiber optic cable and the other communications means that use Forest Service lands, radio amateurs are prohibited by law from accepting any compensation, including any reimbursement, for the equipment they use and the service they provide.

There is no language in the authorizing legislation<sup>5</sup> nor its legislative history suggesting that what usually are relatively simple applications for non-compensated volunteer uses should be subject to the same fees as those for the more complex applications for commercial corporations. Commercial applicants usually request more extensive use of the lands administered by the Forest Service and these requests necessarily result in more complex issues having to be considered and resolved.

The commercial applications not only greatly outnumber radio amateur applications and present more time-consuming complexity, but fees of this magnitude inevitably would have a disproportionate impact and in many cases would be prohibitive for volunteer radio amateurs. It is

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<sup>4</sup> See 47 C.F.R. §§ 97.1(a), 97.3(4), 97.113(a)(2),(3).

<sup>5</sup> See 43 U.S.C. § 1761(a).

foreseeable that many radio amateurs providing these services would have to opt to withdraw and cease their work. In many cases the most useful locations for needed coverage from their stations is uniquely on Forest Service lands, ultimately depriving the public of the service when it may be most needed.

In short, the proposal to include volunteer uncompensated amateur service applicants with the commercial wireless service and broadcast applicants is grossly inequitable. There is a disparity in the amount of resources necessary to consider applications from radio amateurs as compared to that required by commercial applicants. Applications for commercial facilities may require all sorts of accommodations that are unnecessary for the typically small amateur use. In addition, our best estimate is that there are fewer than 100 covered amateur locations, but those likely are unique and essential to covering forested areas in times of need, such as forest fires or lost hikers.

These dissimilarities in complexity and scope should be recognized in this fees proposal and amateur radio applications exempted. Radio amateurs simply are in a very different position than commercial enterprises. Amateur Service licensees are providing a public service without charge in areas where often there are few or no alternative means of communication when needed.

The Forest Service long has appropriately recognized the differences between radio amateur uses and those of commercial applicants in the rental fees it charges. Similar treatment should be extended to radio amateur uses with regard to these new proposed fees. Uncompensated public service actors should not be asked, in effect, to subsidize costs created by commercial entities. There is no context suggesting that Congress expected the Forest Service to depart from its history of drawing such distinctions when setting these fees.

#### CONCLUSION

The American Radio Relay League (ARRL) therefore requests that amateur radio facilities be exempt from the proposed new fees.

Sincerely,

A handwritten signature in blue ink that reads "DR Siddall". The initials "DR" are written in a stylized, overlapping manner.

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# EMERGENCY COMMUNICATIONS

BY WALT PALMER,\* W4ALT

## Fire, Fire, Ring the Bell!

The recent wildfires in California caused great angst and heartache for many in or near their paths. Homes were lost to fire. Pets and livestock perished. Some lost all but the shirts on their backs. Photographs and news footage told only part of the story. The most powerful image for me was of the Ronald Reagan Presidential Library in Simi Valley, as the Easy fire approached the 100-acre compound where the President and First Lady are buried, and the library houses SAM 27000, the presidential Boeing 707 aircraft that flew presidents and VIPs from 1962 to 1998. While working for a major alphabet TV network, I covered the White House and was fortunate to ride that very same 27000, callsign Air Force One.

As the fires raged (Photo A), Pacific Gas and Electric (PG&E) turned off power to areas where gusty winds and dry conditions heightened the fire risk. This affected over 1 million customers in 13 counties, many in rural areas. Millions of dollars in perishable food was lost due to refrigeration failure. People also lost the ability to communicate as both land-line and wireless phone systems failed. As cellular systems fell offline, personal cell phones lost battery power rapidly as they searched for a signal. Some people thought it wise to charge their phone batteries from their car batteries. While the practice seems like a great idea, it caused many auto batteries to fall below starting amperage. For those with electric cars, driving range suffered by using the now precious power for other uses.

### Communication Issues

Public communications in affected area were reduced to three sources: Broadcast radio, face-to-face and, of course, amateur radio. Broadcast radio worked only if the transmitting stations had emergency power generation with sufficient fuel, but it required listeners to have use of mechanical, solar generation or batteries to power their receivers.

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### A Historic Note

On December 23, 1900, Reginald Aubrey Fessenden sent and received the first intelligible speech by electromagnetic waves on a pair of masts 50 feet high and one mile apart on Cobb Island, Maryland. Fessenden was using a spark transmitter with the Kintner-Brashear interrupter. A fascinating biography of Fessenden is available on Wikipedia at <<https://tinyurl.com/jgl857p>>.

A fun article in a 2000 edition of the *Washington Post* discusses Fessenden and the recreation of the then 100-year-old radio event by a local radio club. See <<https://tinyurl.com/wyk2gc3>>.



Photo A. Electric power and communications are among the early casualties of wildfires in California... sometimes even before a fire breaks out! This 2017 photo shows a wildfire in Napa County, California. (US Air Force photo by Keith Johnson)



Photo B. Screen grab from the livestream of California's Saddle Ridge fire transmitted via AREDN by the Pleasant Valley Amateur Radio Club (PVARC). As you can see, this particular livestream ran nearly nine hours. The full video is on YouTube at <<https://tinyurl.com/qna4e8y>>.

## Emergency Communications Preparedness Center

The Emergency Communications Preparedness Center (ECPC) is the federal interagency focal point for interoperable and operable communications coordination. Its members represent the federal government's broad role in emergency communications, including regulation, policy, operations, grants, and technical assistance.

The ECPC is comprised of 14 federal departments and agencies: U.S. Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Homeland Security, Interior, Justice, Labor, State, Transportation, and Treasury. The Federal Communications Commission and the General Services Administration are also members of the ECPC. Learn more about the ECPC at <<https://tinyurl.com/wp3knzt>>.

Two amateur radio groups used their knowledge of the Amateur Radio Emergency Data Network (AREDN) <[www.arednmesh.org](http://www.arednmesh.org)> to monitor wildfires in California. The Mariposa Area Amateur Radio Organization (MAARO) used the AREDN mesh to livestream video from the Briceburg Fire near Yosemite National Park <<https://tinyurl.com/up5vg47>>. The Pleasant Valley Amateur Radio Club (PVARC) built an AREDN mesh to livestream video from the Saddle Ridge Fire from a repeater site serving the San Fernando Valley <<https://tinyurl.com/qna4e8y>> (see Photo B).

Use of AREDN is not a new technique. The following is from the AREDN website from the 2018 fire season:

*California Hams Provide Fire Videos*  
Local amateur radio operators are responding to the recent and ongoing fires in California in many ways. Several of these hams have built a high-speed multimedia AREDN mesh network which was used to deliver live streaming video of the fires in progress. In Ventura County, Orv Breach W6BI, Paul Straus WD6EBY and Ben Kuo AI6YR installed high-definition cameras in their portion of the growing Southern California AREDN network. They were able to figure out how to send to live video stream across the mesh network to then Internet and finally to YouTube for public access. Ben AI6YR reports that their mesh net-

work stayed operational even when the Spectrum cable, Internet access and phone system went down across the region. People were able to use the mesh network to keep updated on emergency information.

The start of the "Woolsey Fire" from Simi Valley, courtesy of Orv W6BI and the Pleasant Valley Amateur Radio Club <<https://tinyurl.com/sepyoyp>>.

The fire in Santa Paula, California (Briggs Fire), courtesy of Paul WD6EBY and the Pleasant Valley Amateur Radio Club <<https://tinyurl.com/sgum5a7>>.

The fire in Simi Valley, The Peak Fire, courtesy of Orv W6BI and the Pleasant Valley Amateur Radio Club <<https://tinyurl.com/uw7kmdq>>.

Note the length of some of these videos, proving the resilience and reliability of amateur radio and AREDN technologies.

Sacramento Valley Section Regional ARES reported over 1,800 ham radio manhours were dedicated to fire communications coverage.

Once again, amateur radio came through "when all else failed." We hope that the California government agencies and officials doubting the continued relevance of amateur radio communication (see last month's column) keep this in mind. Happy New Year!

## If You Live in California...

Utilities in California are pre-emptively shutting off power to some customers to mitigate wildfire risk in particularly hazardous conditions (especially since power lines themselves have been implicated as the cause of several large fires). Pacific Gas & Electric offers these tips to its customers to be as prepared as possible:

How do you know if and when PG&E is shutting off your power? Update your contact information to ensure you receive timely alerts. The utility will notify customers at 48 hours, 24 hours, and just prior to shutting off power. Alerts will be sent through automated calls, texts, and emails. To update your contact information with PG&E, you can call (866) 743-6589. Even if you think PG&E has your information, be proactive and make sure it has your specific address on file and not only your Zip code.

If you are in a fire-prone area and not in a PG&E service area, contact your provider and confirm your contact information.

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# News

## ARES Activates as Wind-Driven Year-End Fire Destroys 1,000 Colorado Homes

01/18/2022

Nine Boulder County (Colorado) Amateur Radio Emergency Services ([BCARES](#)) volunteers turned out on December 30, 2021 as the devastating Marshall Fire roared through Superior and (portions of) Louisville, Colorado. Intense winds whipped a grass fire south of Boulder near Marshall into a massive firestorm that became too large and fierce for firefighters to battle.

“The only battle was evacuation, as the towns of Louisville and Superior and [the] northern suburbs of Denver lay in the fire’s wind-driven path,” said Amateur TV (ATV) enthusiast and dealer Jim Andrews, KH6HTV, of Boulder. Andrews said the only thing limiting the fire’s spread was the fact that the winds diminished by that evening.

“By that time, hundreds of homes had burned down,” Andrews said, whose own house among them. “This was not a typical forest fire, but an urban firestorm.” Thousands of people were evacuated.

BCARES Board of Directors Chairman and Region 1, District 3 Emergency Coordinator Allen Bishop, K0ARK, said that a request from the Boulder Office of Emergency Management (OEM) to activate the emergency operations center (EOC) is what initiated the ARES activation. “At that time, staffing was initiated with the activation of the BCARES Radio Network, with three BCARES members assigned to the EOC,” Bishop said. The BCARES Net was promptly activated.

ARES volunteers supported communication at evacuation sites and established emergency communication as commercial power failures and preventive shutdowns by utilities caused a loss of commercial communication. “Within about 8 hours,” Bishop said, “battery back-up systems for cell phones and landlines failed, and 911 services went down.”

“To facilitate a restoration of these emergency services, BCARES activated the Mountain Emergency Radio Network ([MERN](#)),” Bishop said. Established in 2010, MERN consists of repeaters installed at fire stations in Gold Hill and Allenspark, at community centers in Nederland and Raymond, and the privately owned Airlink Repeater. “These repeaters provided the emergency communication links that facilitated the restoration of 911 communications back to the dispatch center for the duration of the power outages,” Bishop explained. The Allenspark Neighbors Emergency Network (ANEN) and Airlink (Alternate Access Radio Network) participated.

According to Bishop, as the Marshall Fire expanded, evacuation center support was requested at three locations to provide on-site situation reports using Winlink. Bishop said BCARES members and mutual-aid ARES operators from neighboring Districts established local communication with the BCARES EOC radio position from designated field locations. BCARES was activated for 2 days.

As Andrews reported, Boulder County announced on New Year’s Day that nearly 1,000 homes were lost. In addition to his own home, the fire destroyed his daughter’s home next door, as well as the homes of all his close neighbors. “We had no official warning of the coming firestorm,” Andrews said. “My only warning was from our daughter who saw it happening.” No one died as a result of the fire, but, Andrews added, “KH6HTV

VIDEO, as a supplier of ATV gear, will be out of operation for a very long time to come.” Andrews edits the monthly *Boulder Amateur Television Club TV Repeater's REPEATER* newsletter.

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