



ARRL The national association for
AMATEUR RADIO

Office of the President
225 Main St.
Newington, CT 06111

October 31, 2008

Honorable Kevin Martin, Chairman
Federal Communications Commission
445- 12th Street, SW
Eighth Floor
Washington, DC 20554

Kris Monteith, Esquire, Chief
Enforcement Bureau
Federal Communications Commission
445- 12th Street, SW
Room 7-C723
Washington, DC 20554

Re: Appointment of Special Counsel for Amateur Radio Enforcement

Dear Chairman Martin and Ms. Monteith:

The purpose of this letter is to urge swift action by the Commission in the appointment of an Attorney-Advisor (Special Counsel) (*see*, Vacancy Announcement ATTY-EB-2008-0011), in the Enforcement Bureau, Spectrum Enforcement Division who would specialize in Amateur Radio enforcement. This person would replace Riley Hollingsworth, Esquire, who retired from government service in that position on July 3, 2008. The appointment of a replacement Special Counsel in this position is of critical importance to the Amateur Radio Service, as the delay in finalizing the appointment stands to undermine in very short order an exceptionally successful and low-cost program of enforcement in the Amateur Service.

As I understand the situation, the Spectrum Enforcement Division is prepared to appoint a replacement for Mr. Hollingsworth, but the appointment requires the approval of the Office of the Chairman. We respectfully urge the Commission to finalize the appointment immediately.

There was a long period during the late 1980s and 1990s during which the Commission was essentially uninvolved in enforcement in the Amateur Service. The Amateur Service, consisting of some 680,000 licensees of the Commission, is in essence a self-regulating service. However, due to the shared frequency allocations in the Service, and the long-distance propagation of Amateur communications, a very few rule violators can cause severe disruption in the Service. On the other hand, even a

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minimal Commission presence has a very strong deterrence value. At the time that Richard Lee served as Chief of the old Compliance Bureau, he noted the Commission's neglect of enforcement in the Amateur Service, took that function from the Wireless Bureau, and appointed Mr. Hollingsworth as "Special Counsel for Amateur Radio Enforcement." Mr. Hollingsworth established a visible presence in the Amateur Service and very quickly, and with very little investment of Commission resources, using little more than the awareness of an enforcement presence, created strong deterrence against rule violations. Since his appointment, there have been virtually no prolonged enforcement issues in the Amateur Service. The program has been spectacularly successful, and at a very low cost.

However, for the same reason that Mr. Hollingsworth's visibility led directly to the success of the program, his retirement in early July has left a vacuum that will inevitably lead to increasing instances of enforcement problems. In order to preserve the deterrence value and momentum of the Amateur Radio enforcement program, and the years of good work of Mr. Hollingsworth, it is necessary to fill the void created by his retirement from government service without any further delay.

Please, at your earliest opportunity, review the appointment of the Attorney-Advisor (Special Counsel) position in the Spectrum Enforcement Division that we understand has been proposed by the Chief, Spectrum Enforcement Division, and which we understand requires your endorsement. The cost of further delay in terms of the inevitable deterioration of rule compliance is exceptionally high, but the cost of continuing the program in the regulatory environment that Mr. Hollingsworth has created is remarkably low.

Thank you for your attention to this matter. If appropriate, ARRL representatives will contact your office to discuss this matter in detail.

Yours very truly,

Joel Harrison
President

Cc: Kathryn Berthot, Esq.
(via e-mail)

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