

EXHIBIT A



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU

Memorandum

DATE: March 10, 2015

TO: Enforcement Bureau Field Staff

FROM: Travis LeBlanc, Chief, Enforcement Bureau and Jon Wilkins, Managing Director

SUBJECT: Management Recommendations Regarding Enforcement Field Modernization Phase I

CC: Ana Curtis, President, NTEU Local 209

The current model of the Field was adopted approximately 20 years ago. While our field operations have served a vital part of the agency's mission, significant technological changes and increasing resource limitations require a fresh look at this operating model. In October 2014, the Enforcement Bureau (Bureau) and the Office of the Managing Director (OMD) embarked on an effort to modernize the Bureau's Field operations. This project sought to ensure that the Field's structure, operations, expenses, and equipment were properly aligned with the Commission's overall mission and resources.

As part of this effort, the Commission engaged outside consultants to conduct an independent analysis of the operating model. Over a five-month period, they collected input from more than 160 employees, outside experts, and internal and external stakeholders. They also closely reviewed prior studies, the Enforcement Bureau Automated Tracking System, and the field operations of other government agencies.

The Bureau and OMD management have used this data and analysis as input in formulating a recommendation to the Commission. We believe that our recommendation to the Commission more efficiently uses Commission resources while simultaneously making significant progress in modernizing our methods and meeting our enforcement responsibilities in the 21st Century. The recommendation consists of:

Aligning our Field focus with the priority of securing networks and resizing our Field resources to support this mission:

- Adjusting the primary focus of the geographically deployed Field offices to radio frequency spectrum enforcement
- Adjusting from 63 to 33 field agents in the Enforcement Bureau
- As part of the 33, staffing out of the Columbia, Maryland office a "Tiger Team" of field agents that will be flexible enough to support other high-priority initiatives of Enforcement Bureau or other Headquarter entities
- Requiring all field agents to have electrical engineering backgrounds to support the primary focus on RF spectrum enforcement
- Standardizing both our investigation and sanction processes to facilitate delivering high-impact work for our constituents in an efficient manner and increasing training on such standardized processes

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Reducing administrative overhead expended to manage and support Field Operations:

- Streamlining our Enforcement Field management structure from 21 director positions to 5 director positions, increasing the median reports per manager from 4 employees currently to 10 employees
- Reducing from 10 to 3 administrative support positions

Downsizing our field office footprint to improve the efficiency of our resource expenditures:

- Downsizing our geographic footprint from 24 sites to 8 sites, with pre-positioned equipment in several other select cities, with emphasis on population/spectrum use density
 - Maintaining offices in or near New York City; Columbia, Maryland; Chicago; Atlanta; Miami; Dallas; Los Angeles; and San Francisco
 - Pre-positioning equipment in or near several other cities, initially including Kansas City; Denver; Salt Lake City; Phoenix; Seattle; San Juan; Anchorage; Honolulu; and Billings, Montana
- Modifying our current leased facilities to improve our resource efficiency in line with several other federal agencies
 - Working with our lessors in some locations to downsize our footprint
 - Relocating field offices to proximately located FCC owned property in or near Columbia, Maryland; San Francisco; and Atlanta

Focusing the Equipment Development Group on managing the entirety of our deployed equipment and developing mobility solutions to support the Field's mission

- Consolidating the overall equipment management function into our Equipment Development Group, based in Atlanta, to drive economies of scale and increased utilization opportunity
- Developing agent mobility and equipment portability solutions to increase our response time capability
- Establishing beneficial partnerships between the Field and other organizations that may support increasing our effectiveness in delivering against the mission

Implementing a nationwide outplacement effort to assist all affected employees

- Program will assist displaced employees in finding positions in the public or private sectors, including other vacancies within the Commission for which they are qualified and selected.

We recognize that you undoubtedly have many questions about the recommendation and the process for moving forward. Accordingly, we will have a briefing later this week to discuss the recommendation in more detail.

EXHIBIT B

BOOTH, FRERET & IMLAY, LLC


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MEMORANDUM

To: William Davenport, Esquire
Copy: Travis LeBlanc, Esquire
Laura Smith, Esquire
Kay Craigie, President, ARRL
David Sumner, CEO, ARRL
Riley Hollingsworth, Consultant, ARRL
From: Chris Imlay, ARRL General Counsel 
Re: Amateur Radio Enforcement, Topics for Discussion, Meeting 18 March, 2015
Date: March 14, 2015

Greetings. ARRL, the national association for Amateur Radio is grateful for the opportunity to meet with you once again to discuss concerns that are widespread within the Amateur Radio community about the Commission's Amateur Radio enforcement program, especially in light of recent changes and developments in the program and news concerning the Bureau's reorganization plans. In addition, we would like to ask for your views about the future of the so-called "ARRL Amateur Auxiliary to the FCC"; a volunteer program administered by ARRL that was established by written agreement with the Commission dated March 28, 1984 and amended by a substitute written agreement dated February 25, 1994. The issues that are of primary concern to ARRL at the present time are as follows:

1. Status of two prominent enforcement cases involving ongoing high-frequency malicious interference in the Southwestern United States, and VHF repeater malicious interference in New York City and Long Island, New York. When we met with Mr. LeBlanc and yourself on July 14, 2014, we related to you that the overwhelming majority of complaints of intra-service rule violations that ARRL had received to that point pertained to one of two malicious interference cases:

The failure to resolve two longstanding (i.e. years old), very visible cases of malicious interference (one involving several New York City area VHF repeaters and the other a racially motivated high-frequency case in the Southwestern U.S.) perpetuates those cases and encourages others. There was in the latter referenced case a NOV issued June 5, 2014 to one of the alleged violators but that information is not listed on the FCC web site and no publicity has attached to it in the month since its release.

Since then, there has been literally no action in either case. With respect to the so-called "WARFA net" HF interference case in the southwestern U.S., the situation has gone on for an unacceptably long time. Complaints have poured in for well more than two years but malicious

interference to the WARFA net has occurred since approximately 2008. The problem is so obvious and so directly offensive that there is in the Amateur Service a growing perception that the Commission has no intention to provide any enforcement in malicious interference cases in the Amateur Service at all. This is not a situation that ARRL and its membership can allow to continue. As to the repeater jamming in New York and Long Island, the identities of several of the perpetrators have for years been very well-known but no enforcement action has been forthcoming. The interference is a daily occurrence. Discussions with EB staff about this case have yielded one explanation after another as to why there have been no enforcement actions, none of which address our concerns or indicate that there will be any action taken by the Bureau. Most recently, as an example of the responses that we have heard to complaints of inaction in the New York case, we were informed that the Commission had much bigger fish to fry: a complaint by ABC against Verizon for causing out-of-band, broadband interference to broadcast electronic news gathering microwave frequencies that was said to be taking all of the District Office's time. The trouble is that the ABC complaint was filed five days before we received that report, and on three of those days the Commission was closed. Why would a five-day old, non-safety of life interference complaint preclude investigation of our very high-profile Amateur Radio case that is well more than two years old?

Here is some basic information about the WARFA net HF interference case: the Western Amateur Radio Friendship Association, founded in 1976, is a group primarily composed of African-American radio amateurs. See www.warfa.org for information. They are rule compliant licensees who have an on-air net three nights a week on 3908 kilohertz, at 8 PM Pacific time. The net meets on Tuesday, Thursday, and Sunday. WARFA has retreats several times a year, usually in southern California, but occasionally in central California. They are loosely associated with OMIK, the national association of African-American radio amateurs. The net has check-ins from all over the West and even parts of the Central United States. Net control stations are in various western states. A group of approximately 8 individuals have been jamming the nets for many years. The jamming is so bad that WARFA members have quit. Among the suspected perpetrators, the following is, to our knowledge, the status of the Commission's actions to date:

Crowell, W6WBJ: License expired March 1, 2007 subject to a pending license renewal application. A hearing designation order was issued on February 12, 2008. There is nothing in the public record in ULS since April 24, 2008. His license has not been renewed; neither has it been terminated. There has been no action for seven years, and during this entire time, intolerable interference has been regularly occurring that is attributed to Crowell.

Wingate, K6TXH: License expired April 13, 2014. His renewal application was offlined for Enforcement Bureau Action on January 22, 2014. There is nothing in the public record in ULS that refers to any such action having been taken. The status of this renewal is unknown.

Price, W7WL: issued a Notice of Violation on June 5, 2014 and given 20 days to respond. There is nothing in the public record regarding his response and he is reportedly engaging in the same behavior that led to the NOV being issued and has reportedly challenged the Commission to do something about it.

The jamming has included racial epithets and threats of violence against a female net control person. Lately, the jamming consists of recordings made of actual WARFA members, played back in an attempt to make it appear that the members are doing the jamming. There is apparently somewhat sophisticated switching between several jamming transmitters, likely via the Internet. There are recordings of the jamming, and many have been sent to the Commission. WARFA members have continually plead for help. They have contacted the Commission, the Department of Justice, and local law enforcement agencies, and of course all local law enforcement agencies have sent them back to the Commission, where nothing is done to abate the problem. WARFA now sometimes runs their nets on 3 separate frequencies at the same time, to make it possible for stations to even check in. The jammers attempt to counter this. Listening to any of this would discourage any sane person from becoming interested in Amateur Radio, and parents hearing it would of course keep their children away.

ARRL insists that the Commission re-prioritize these two cases and that some action be taken in the near term to resolve them without any further delay. It is not much to ask that in a radio service of 730,000 licensees, two visible and very damaging malicious interference cases, both of which have been allowed to fester for far longer than two years, should both be resolved on a timely basis. Doing so would assist in re-creating the sense of deterrence that is almost completely absent now in the Amateur Service, a scant few years after deterrence was at an all-time high and the Commission's Amateur Radio enforcement program was working without any significant investment of resources because of it.

2. Changes in the Amateur Radio enforcement program following the appointment of Laura Smith, Esq. as Acting Northeast Regional Counsel and the reorganization of the Bureau. As we mentioned to Mr. LeBlanc and yourself last July, in ARRL's view, based on a good deal of experience, the underpinning of compliance in the Amateur Service is the *perception* of an active enforcement presence. Such a perception creates deterrence and promotes compliance. This perception was present in the Commission's Amateur Radio enforcement program between 1998 and 2008, when the program worked exceptionally well. Compliance during those years was eminently successful because of: (1) the visibility in the Amateur Radio community of a single member of the Commission's Enforcement Bureau staff at Amateur Radio events; and (2) by making available to the Amateur Radio media everything that was done by that office and the publicizing of those actions, except where privacy rights would be violated or confidentiality had been requested. This efficiency resulted, for better or worse, in the personification of the FCC Amateur Radio enforcement program in Mr. Hollingsworth. Because of policies implemented at the Enforcement Bureau during the latter part of Mr. Hollingsworth's tenure (which ARRL believes were unfortunate and misguided), that personification did not continue after Laura Smith replaced Mr. Hollingsworth. The positive change after 1998 was due to high levels of visibility of the program and the quick resolution of a very few individual cases. We have spoken about this phenomenon several times before. The absence of visibility of the program after 2008 is directly attributable to the absence of visibility of the program and the failure of the Commission to quickly respond to those few high profile cases that do arise.

Now, we are informed that Ms. Smith has undertaken a new role, perhaps in an acting capacity, perhaps permanently. This situation has never been explained to ARRL. Because of this lack of transparency; because the Amateur Radio community views Ms. Smith as the

personification of the enforcement program; and because Ms. Smith now refers radio amateurs to the new online complaint filing system (a referral process that began well before the new online complaint system was suitable for or even accommodated Amateur Radio complaints); the perception of those who have recently interacted with Ms. Smith, including ARRL staff and management, is that she is no longer a person who is actively engaged in Amateur Radio enforcement. That perception may not be at all accurate, but neither ARRL nor the Amateur Radio community has any idea how, going forward, the process is supposed to work. The confusion has contributed to the now-widespread perception that the Commission has abandoned Amateur Radio enforcement completely. The final contributing factor here is that no one has any idea what the EB plans to do with complaints filed through the new online complaint system. So far, it looks a lot like a black hole for complaints.

We would appreciate knowing what the Bureau's plan is going forward for Amateur Radio enforcement and what will be done by the Bureau with the electronically filed complaints pertaining to Amateur Radio going forward. For example, will there be a person tasked with Amateur Radio enforcement separate from one of the three Regional Counsels? How will an HF interference case which involves multiple enforcement regions be handled? Will the Bureau treat Amateur Radio enforcement cases going forward as it handles certain other types of complaints: by notifying the complainant that the complaint will not be addressed individually but instead by compiling statistics?

We recently learned - with alarm (and contrary to *very* recent testimony by the Managing Director to Congress) - that the Bureau and the Office of the Managing Director have jointly recommended closing all but 8 of the District Offices and winnowing the Commission's District Office staff by approximately 50 percent. This recommendation makes it appear that the Commission has reduced its spectrum enforcement efforts generally and plans to focus on consumer protection issues. Since Amateur Radio enforcement seems to have a lesser priority relative to other spectrum enforcement efforts, the startling proposals for reduction in staff and District Offices signals to us that we should expect very little from the Bureau. If that is the plan, or the effect of the plan, we would obviously be strongly opposed to it, so we would appreciate an honest and candid assessment from you of what our expectations should be relative to Amateur Radio enforcement now and in the near future.

3. The Enforcement Bureau's plans for processing Amateur Radio complaints filed through the Consumer Help Center Online Complaint Procedure. On February 24, 2015, ARRL representatives attended a briefing and tutorial at the Commission's Gettysburg office on the new system for receiving complaints. The briefing was conducted by Theresa Flasher, Deputy Chief, Consumer Inquiries and Complaints Division of the Consumer & Governmental Affairs Bureau (CGB), Brenda Althoff, Supervisory Consumer Advocacy and Mediation Specialist; James K. Brown, an IT specialist, and Division Chief, Sharon Bowers.

Despite the fact of a soft launch on October 31, 2014 and full implementation on December 29, 2014, the system is presently completely unsuited for and the (very flexible and easily configured) software was not set up for Amateur Radio related complaints before it was launched. The "ticket number" given to an Amateur Radio complainant and the e-mail acknowledgment has no reference to what will be done with an Amateur Radio complaint.

(Some types of complaints are simply acknowledged and the complainant is told that it will be used for statistical analysis). It is not clear why radio amateurs were referred to this system when it is set up now mainly for issues such as telemarketing and offensive broadcasting content, which are consumer issues rather than licensee complaints. The home page is titled "Consumer Help Center", but Commission licensees don't think of themselves simply as consumers. Nor is it clear why there was no contact, much less vetting of the system with the licensee community that will be called on to use this system before it was implemented.

It is understood that the Consumer Help Center is simply an intake process and we have committed to work with CGB to improve the system relative to Amateur Radio complaints. But it would be helpful to know what the Enforcement Bureau intends to do with these complaints and how the complainants can be made aware of whether or not action is being taken on the complaints. Otherwise, the use of that filing system will not be perceived as a useful avenue to the Amateur Radio licensee.

4. The Amateur Auxiliary to the FCC and the status of a 1994 amended agreement between ARRL and the Commission providing for the use of Amateur Radio licensees as "Official Observers" to contribute to the Commission's enforcement effort in the Amateur Radio Service and the use of their work-product by the Commission. Attached to this memo is a copy of a 1994 amended agreement between ARRL and the Commission's then Field Operations Bureau. It governs a joint cooperative effort between ARRL and the Commission to use volunteer Amateur Radio licensees [pursuant to 47 U.S.C. §154(f)(4)(C), enacted in 1982] to encourage and promote rules compliance in the Amateur Radio Service. While most of the work of the licensees in this "ARRL Amateur Auxiliary to the FCC" program, acting as "official observers" is not related to evidence gathering for Commission enforcement purposes, some of it is. Section 5(b) of the amended agreement specifies that ARRL will provide voluntary and uncompensated services to the Commission "...to coordinate the efforts of those volunteers in detecting improper Amateur Radio transmissions made by licensed radio amateurs and in conveying to Commission personnel the resulting information that is essential to the enforcement of provisions of the Communications Act and the regulations prescribed by the Commission relating to the Amateur Radio Service."

The Commission agreed, in Section 6 of that Agreement, to review and consider the information submitted and to initiate any actions that may, in the Commission's opinion, be appropriate and consistent with the Commission's enforcement policies. It also agreed to advise ARRL upon request and in as timely a manner as possible, of the actions taken, or reasons why actions were not taken, where information and enforcement recommendations on individual violation cases where the violations have continued.

Of course, no specific action in specific cases was promised or expected pursuant to these provisions. However, we have never been notified of termination of this Agreement by the Commission and it is our understanding that the Agreement is still in effect. We have an ongoing Amateur Auxiliary program but the volunteers are increasingly demoralized and the program is in danger of collapse because the perception of those volunteers is that their work is not considered useful by the Commission and that information that they have provided is not relied on or used by the Commission at all.

We would like to know whether, in light of the planned restructuring of the Bureau and the changes in the methods of receiving information about rule violations in the Amateur Radio Service, the Bureau considers the ARRL Amateur Auxiliary to the FCC to have continuing relevance. We do not perceive that the Commission has adhered to the terms of this Agreement, and if, looking forward, the work-product of the volunteers is not perceived to be of value, we will have to evaluate whether the program should or should not continue. Some questions related to this are as follows: Does the Commission perceive this Agreement to be in force now? Is it outdated and in need of updating and restating? Is there any value in the on-air monitoring and information gathered from that monitoring in the enforcement process? How should the expectations of the "Official Observer" volunteers be managed in view of the Commission's policy to avoid use of any evidentiary material gathered by these volunteers? Will the severe reductions proposed in the Commission's District Offices and staff, if that plan is implemented, increase or decrease the reliance on the volunteer Official Observers' work-product? With whom will ARRL headquarters staff (which aggregates and filters evidentiary information from the Official Observers) interface going forward in the Bureau?

Again, thank you for the opportunity to share our current concerns with you and to obtain some clarifications. There is a great deal of dissatisfaction in the Amateur Radio community with the current level of compliance in our Service. The overwhelming majority of scrupulously rule-compliant radio Amateurs have experienced extreme lows, and then highs, and then lows again in periods of compliance and a very, very few individuals in this Service can (and do) severely disrupt the compliant operations of that overwhelming majority. We need some help now and we need some advice from you in working toward a restoration of the successful level of compliance that existed most recently in 2008.

Attachment

APPENDIX A

AMENDED AGREEMENT BETWEEN
THE FEDERAL COMMUNICATIONS COMMISSION AND THE AMERICAN RADIO
RELAY LEAGUE, INC, REGARDING THE USE OF AMATEUR VOLUNTEERS

1. *The Federal Communications Commission (FCC) and the American Radio Relay League, Incorporated (ARRL), hereby agree to the following amended provisions for cooperation in a joint effort to improve Commission rules compliance in the Amateur Radio Service, as provided for by Section 4(f)(4)(C) of the Communications Act of 1934, as amended, 47 USC 154(f)(4)(C). This amended agreement supersedes the agreement dated March 28, 1984, under which the Amateur Auxiliary previously operated.*
2. *The objectives of this program are to foster among radio amateurs a wider knowledge of and better compliance with laws, rules and regulations governing the Amateur Radio Service, to extend the tradition of self regulation and self-administration of the Service by amateurs, to promote rule compliance in the Amateur Radio Service, to enhance the opportunity for individual amateurs to contribute to the public welfare as outlined in the basis and purpose of the Amateur Radio Service, and to enable FCC to more efficiently and effectively use its manpower and resources in enforcing the Communications Act and Commission Rules.*
3. *The FCC has entered into this agreement with ARRL in order to provide FCC with the voluntary, uncompensated services of the League's field organization pursuant to the authority contained in Section 104 of the Communications Amendments Act of 1982, Public Law 97-259, 96 Stat. 1087. The League's rules for the operation of the functions of field appointees and volunteers may change from time to time, and ARRL agrees to inform FCC promptly of any changes which may have a bearing on the provision of volunteer services to FCC under this agreement.*
4. *The foundation of the program created by this agreement is the ARRL's Official Observers, and they will be known as the ARRL Amateur Auxiliary to the FCC. The ARRL field organization, operating pursuant to ARRL guidelines and procedures, is the focal point of its Amateur Auxiliary program. That program involves the obtaining, coordinating, and conveyance of information from organized amateurs to the FCC, principally through ARRL's Washington office. Coordination of information gathering prior to submission to may be through Local Auxiliary/contacts. The Chief, is responsible for the overview and direction of the Amateur Auxiliary program from the FCC's standpoint, in conjunction with ARRL officers and staff. ARRL and FCC will jointly review policies, practices, and procedures, and will work together toward solutions to problems and consistency in enforcement matters and efforts to promote and improve self-regulation and voluntary compliance.*
5. *ARRL agrees to provide voluntary and uncompensated services to FCC as follows:*
 - a. *to recruit and train amateur radio operators to monitor Amateur Radio Service frequencies, as volunteers and without compensation;*
 - b. *to coordinate the efforts of those volunteers in detecting improper Amateur Radio transmissions made by licensed radio amateurs and in conveying to Commission personnel the resulting information that is essential to the enforcement of the provisions of the Communications Act and the regulations prescribed by the Commission relating to the Amateur Radio Service;*
 - c. *to cause those volunteers to issue advisory notices, under the general direction of the Commission, to persons who apparently have violated any provision of the Communications Act or the regulations prescribed by the Commission relating to the Amateur Radio Service, and ensuring that such advisory notices are not misconstrued as official Commission sanctions or enforcement actions which can only be issued by the Commission.*

6. FCC agrees to the following:

a. to review and consider the information submitted to FCC by ARRL and to initiate any actions as may, in the Commission's opinion, be appropriate and consistent with the Commission's enforcement policies;

b. to advise ARRL, upon request and in as timely a manner as possible, of the actions taken, or reasons why actions were not taken, in those infrequent instances where ARRL submits information and enforcement recommendations to FCC on individual violation cases that have not responded to advisory notices and where the violations have continued;

c. to attempt to withhold from public release or disclosure, on the basis of the submission of a express written request for confidentiality in each specific instance and Freedom of Information Act (FOIA) Exemption 7(D), 5 U.S.C. §552(b)(7)(D), the identity of and/or any identifying data regarding individuals associated with the Amateur Auxiliary that have furnished information and enforcement recommendations to FCC. ARRL is aware that if any Commission enforcement matter proceeds to an administrative hearing or court trial status, the determination of whether such withheld information should be disclosed or continued to be withheld may rest with the administrative law judge or the judge of the court involved, and not FCC. ARRL further understands that there is no FOIA exemption for withholding the content, substance or details of such a complaint after the conclusion of an FCC investigation of the matter, and so long as the release of that information cannot interfere with an ongoing investigation. ARRL further understands and acknowledges that members of the Amateur Auxiliary are not considered government employees in any manner. Therefore, neither individual members of the volunteer Amateur Auxiliary nor the ARRL are entitled to receive legal representation from FCC, FCC or the federal government. Accordingly, they must not anticipate or expect legal representation or otherwise to be held harmless in any matter that may arise as a result of Auxiliary activities. With the above understanding, however, FCC will seek in any enforcement proceeding, consistent with existing rules and policies, to avoid any unnecessary exposure of those who provide information to the Commission through the Amateur Auxiliary program.


d. to assist ARRL in the training of volunteers, in publicizing the objectives and the accomplishments of the program, and in identifying and implementing improvements to the program, based on accumulated experience.

7. The primary point of contact between ARRL and FCC shall be the ARRL Washington office under the direction of the ARRL President and the Office of the Chief. It is understood that certain FCC field offices have favorable working relationships with Official Observers and Official Observer Coordinators. However, submission of materials to FCC where enforcement is requested shall in each case be through the ARRL Washington Office.

8. All prospective members of the Amateur Auxiliary will be required to undergo a training and certification procedure administered by ARRL, and successful completion of such training and certification will be required for enrollment.

9. The above cooperative program is hereby agreed to by the signatories hereto and shall become effective as of the date shown below. This agreement may be amended by the mutual consent and agreement of both parties and will remain in effect until terminated. FCC and ARRL will periodically review this agreement and coordinate such revisions as may be necessary. This agreement may be terminated by either party hereto upon written notice to the other party.


FOR FCC:


Lauren J. Belvin, Chief
Enforcement Division
Field Operations Bureau

Date:

February 24, 1994

FOR ARRL:


George S. Wilson, III
Its President

Date: February 25, 1994

Note: The FCC's enforcement office is now called the Enforcement Bureau

EXHIBIT C

Congress of the United States
Washington, DC 20515

March 2, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express support for the Federal Communications Commission's (FCC) efforts to free up additional spectrum for wireless broadband use. We applaud the FCC's recent spectrum auction of the AWS-3 band which yielded historic revenue and underscored the incredible demand for this valuable resource. In an effort to build on this success, we request the FCC explore potential sharing opportunities within the 10 GHz band.

There is no doubt that spectrum has become an increasingly important part of our everyday lives. From the increase in mobile broadband use to the expansion of connected devices, spectrum has contributed greatly to economic growth and innovation. Wi-Fi hotspots are utilizing unlicensed spectrum to connect communities across the country, and cutting-edge technologies that rely on spectrum are addressing critical twenty-first century challenges. Addressing the well documented spectrum crunch will require additional spectrum capacity and infrastructure. As we continue harnessing technology to promote growth and innovation, we must ensure the capacity of our nation's airwaves keeps pace with demand.

Sharing opportunities in the 10 GHz band could make more spectrum available and provide another avenue for consumers and innovators to tap into the Internet economy. This band could be used for expanding Wi-Fi capabilities to bring Internet access to more Americans. It could also provide an opportunity to expand affordable, high-speed Internet access to Americans living in urban and rural communities.

We have seen the benefits of the various forms of spectrum – licensed, lightly licensed, and unlicensed - in our economy. We also recognize the importance of ensuring that the introduction of broadband technology can coexist with incumbent systems without causing harmful interference. To that end, we request that the FCC explore viable solutions in the 10 GHz band. We stand ready to work with the Commission on this issue moving forward.

Sincerely,



Doris O. Matsui
Member of Congress



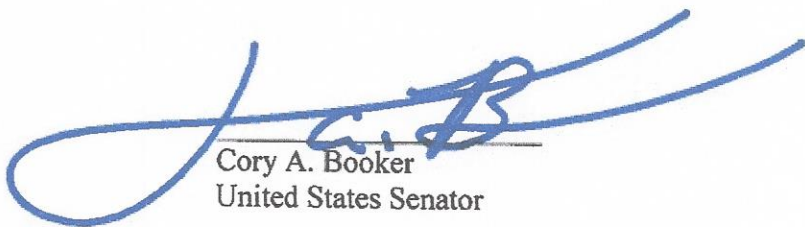
Brett Guthrie
Member of Congress



Anna G. Eshoo
Member of Congress



Robert F. Latta
Member of Congress



Cory A. Booker
United States Senator



Marco Rubio
United States Senator



ARRL
The national association for
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100
YEARS

Advancing the Art and Science of Radio—Since 1914

ADMINISTRATIVE HEADQUARTERS

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March 4, 2015

Representative Doris O. Matsui
Representative Brett Guthrie
Representative Anna G. Eshoo
Representative Robert E. Latta
Senator Cory A. Booker
Senator Marco Rubio

Honorable Ladies and Gentlemen:

On behalf of more than 700,000 licensed radio amateurs in the United States, including 160,000 members of the ARRL, I am writing to bring to your attention important information that may not have been in your possession before your letter concerning 10 GHz sharing was sent to FCC Chairman Wheeler on March 2.

As important as wireless broadband may be, the 10 GHz band is an unsuitable choice for expansion. The band, specifically 10.0-10.5 GHz, is already shared by federal and licensed non-federal radio-communication services. Based on extensive compatibility studies conducted during preparations for the 2015 World Radiocommunication Conference (WRC-15), additional sharing for an important scientific purpose is already planned.

The primary occupant of the band is the federal radiolocation service. The ARRL understands that federal use is extensive and largely airborne, which makes sharing with high-density wireless broadband impossible. The principal non-federal services to which the band is allocated are the amateur service (10.0-10.5 GHz) and the amateur-satellite service (10.45-10.5 GHz). The non-federal radiolocation service is permitted to use the band provided that no harmful interference is caused to the Federal radiolocation service, the amateur service, or the amateur-satellite service. There is also an allocation to the meteorological-satellite service that overlaps the low end of the band.

Several years of effort by the representatives of the interested parties, including the ARRL, have resulted in an agreed United States WRC-15 proposal for a primary allocation of 9.900-10.500 GHz to the earth exploration-satellite service (active), or EESS (active), subject to appropriate protections for incumbent services. A request by a wireless broadband equipment manufacturer to permit broadband was considered but could not be accommodated.

■ **Kay C. Craigie, N3KN**
President

■ **David Sumner, K1ZZ**
Chief Executive Officer
Secretary

■ **Rick Roderick, K5UR**
First Vice President

■ **Barry J. Shelley, N1VXY**
Chief Financial Officer

■ **Jim Fenstermaker, K9JF**
Second Vice President

■ **Harold Kramer, WJ1B**
Chief Operating Officer

■ **Jay Bellows, KØQB**
Vice President International Affairs

■ **Brennan Price, N4QX**
Chief Technology Officer

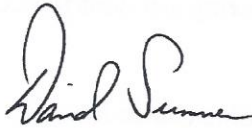
■ **Rick Niswander, K7GM**
Treasurer

The 10 GHz band is the most popular of the allocations to the amateur service above 2.3 GHz. Based on the studies conducted for WRC-15, the ARRL is satisfied that EESS (active) can be accommodated in the band without causing intolerable harmful interference to the amateur service. The same is not true for wireless broadband. Accordingly, the ARRL opposes the introduction of wireless broadband into the 10 GHz band.

Through a Notice of Inquiry in GN Docket No. 14-177, the FCC already has initiated a proceeding to identify spectrum above 24 GHz that can be designated for mobile wireless broadband, including additional spectrum that can be authorized on an unlicensed (Part 15) basis. The ARRL believes that this is the appropriate mechanism, and the appropriate frequency range, to address the need identified in your March 2 letter.

If you or your staff have any questions with regard to this matter, or with regard to any matter involving the Amateur Radio Service, please feel free to contact me.

Sincerely,

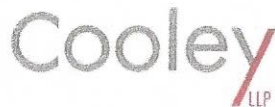
A handwritten signature in black ink, appearing to read "David Sumner". The signature is fluid and cursive, with the first name "David" and last name "Sumner" clearly distinguishable.

David Sumner
Chief Executive Officer

Telephone 860-594-0205
Email dsumner@arrl.org

cc: FCC Chairman Wheeler
NTIA Administrator Lawrence E. Strickling

EXHIBIT D



M. Anne Swanson
+1 202 776 2534
aswanson@cooley.com

March 6, 2015

Christopher D. Imlay, Esq.
Booth, Freret & Imlay, LLC
14356 Cape May Road
Silver Spring, Maryland 20904-6011

RE: Experimental Radio Service Authorization WH2XCI,
FCC File No. 0162-EX-PL-2014, granted October 1, 2014

Dear Mr. Imlay:

This letter responds to your correspondence of February 12, 2015, regarding the FCC's grant on October 1, 2014, of The MITRE Corporation's ("MITRE's") license for experimental station WH2XC1 (the "Station"). The license for the Station authorizes MITRE to operate at designated locations on various frequencies, including some spectrum allocated for use in the Amateur Radio Service.

Since the FCC authorized the Station on October 1, 2014, MITRE has organized Station operations to avoid causing harmful interference to Amateur Radio communications and MITRE continues to operate the Station with that objective. The Station has been transmitting for some time now in accordance with its license, and we are pleased to note that, during that time, there have not been any reports of actual interference to Amateur Radio transmissions.

MITRE has confidence that its experimental program using the Station will not cause harm to Amateur Radio communications. As you know, the FCC has rejected the position that experimental applications may not include spectrum used in the Amateur Radio Service. Similarly, the FCC specifically has found that it is overly burdensome to require that holders of experimental licenses provide schedules of the time and duration of experimental transmissions available to potentially affected parties before transmitting, and it is not practical for us to do so here. Nevertheless, MITRE seeks to cooperate with ARRL so that you can share our confidence that the limited operation of the Station will not harm ARRL members. To provide you with that additional assurance, we are designating the following MITRE email box that MITRE will monitor and that will be exclusively available to receive e-mail notice from ARRL of any report that ARRL affirms to be genuine of alleged interference supposedly originating from the Station:

lowpowercomm@mitre.org

MITRE expects to have this email box established and monitoring staff assigned on Monday, March 9, 2015. We ask that ARRL designate a parallel contact with whom MITRE may correspond in the event that any report is received. We would expect ARRL to forward only those reports that it believes to be genuine and that include (1) the specific time, frequency, and

Christopher D. Imlay, Esq.
March 6, 2015
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geographic location at which the alleged interference was experienced, (2) the nature of the interference, and (3) the basis for concluding that the Station was the source (*e.g.*, did the party experiencing the interference receive a station identification transmission from the Station?). As part of its experimental program, MITRE maintains logs of the times, dates, locations, and duration of the Station's transmissions and can readily compare any reports from ARRL with those records and take prompt action to address any verified instances of interference by the Station. The intermittent nature of the Station's transmissions should facilitate a ready determination of whether any such transmissions originated from the Station.

We trust that this letter addresses your concerns, and we can assure you that MITRE is proceeding in the spirit of amicable cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Anne Swanson', with a long, sweeping horizontal line extending to the right.

M. Anne Swanson

EXHIBIT E



About ARRL

The American Radio Relay League (ARRL) is the representative of Amateur Radio in the United States, representing the more than 720,000 Amateur Radio operators licensed by the Federal Communications Commission (FCC).

Radio Amateurs (hams) provide, on a volunteer basis, public service, emergency, and disaster relief communications using radio stations located in their residences. Their services cost taxpayers nothing, and are provided at no cost to any served agency or to any government entity. Served agencies include the American Red Cross, the Salvation Army, the Federal Emergency Management Agency, and the Department of Defense. Disaster relief planning exercises and emergency communications certification courses guarantee trained operators throughout the United States.

ISSUE

Towers, antennas and other structures above a height of 200 feet and within 5 miles of an airport are required to have certain markings and lighting, as to not pose a danger to aircraft. In response to a handful of general aviation accidents involving low-flying aircraft and temporary meteorological towers, several western states, including Idaho, Colorado, Washington and Wyoming, have enacted legislation requiring that all towers, including those that are under 200 feet.

While Idaho and Washington have included exemptions for amateur radio towers, Colorado and Wyoming have not. The impact of these state regulations, and the others that are pending, has been the creation of a patch-quilt set of rules governing tower marking and lighting requirements.

Under Title 49, the FAA maintains exclusive jurisdiction over the lighting and markings of such towers and structures. ARRL believes that any attempts by states to regulate terrain obstructions should be preempted by the FAA.

BACKGROUND

Section 40103 of Title 49, entitled, *Sovereignty and use of airspace*, clearly states that, “the United States Government has exclusive sovereignty of airspace of the United States.” Therefore, the FAA should maintain exclusive jurisdiction relating to the regulation of amateur radio towers and antennae, preempting any state or local efforts to assert jurisdiction.

Congress’s purpose in granting the FAA and the FCC joint authority to impose tower painting and lighting requirements is clear: to reduce any potential hazard towers might impose to air safety. In *City of Burbank v. Lockheed Air Terminal* (411 U.S. 624, 639 [1973]), the Supreme Court reinforced this notion. In litigation over congressional intent, the Supreme Court concluded that Congress intended to preempt states with respect to aviation safety.

HIGH PERSONAL COSTS WITH NO SAFETY BENEFIT

It is important to note that there has never been an aviation accident involving an amateur radio antenna. However, amateur radio towers and antenna are unfortunately potential collateral damage for the well-intentioned but misguided efforts by state legislatures to override federal jurisdiction over aviation safety.

The ARRL agrees that there should be one set of rules governing aviation safety.