



PUBLIC NOTICE

Federal Communications Commission
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DA 10-365

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WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEK COMMENT ON REQUEST BY AMERICAN HOSPITAL ASSOCIATION FOR BLANKET WAIVER TO PERMIT HOSPITALS TO USE AMATEUR RADIO AS PART OF EMERGENCY PREPAREDNESS DRILLS

WP Docket No. 10-54

Comment Date: April 2, 2010

Reply Date: April 19, 2010

On February 17, 2010, the American Hospital Association (AHA) filed a request¹ for a blanket waiver of Section 97.113(a)(3) of the Commission's Rules to permit hospitals seeking accreditation to use amateur radio operators who are hospital employees to transmit communications on behalf of the hospital as part of emergency preparedness drills.

Section 97.113(a)(3) specifically prohibits amateur stations from transmitting communications “in which the station licensee or control operator has a pecuniary interest, *including communications on behalf of an employer.*”² Given the public interest in facilitating government-sponsored emergency preparedness and disaster drills, the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau have provided a process for requesting a waiver of Section 97.113(a)(3) to permit named amateur radio operators to participate in specified government-sponsored drills by transmitting messages on behalf of identified employers.³ The 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.⁴

AHA states that hospitals seeking accreditation from the Joint Commission (formerly the Joint Commission on Accreditation of Healthcare Organizations) must prepare an emergency operations plan setting forth how the hospital will communicate during emergencies, and establish back-up communications links (which, among other means of communications, may include amateur radio stations) to communicate essential information if primary communications systems fail. AHA states that hospitals seeking

¹ Letter dated Feb. 17, 2010 from Kristin L. Welsh, Vice President Strategic Initiatives and Business Community Liaison, AHA to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, FCC.

² See 47 C.F.R. § 97.113(a)(3) (emphasis added).

³ See Amateur Service Communications during Government Disaster Drills, *Public Notice*, 24 FCC Rcd 12872, 12872 (WTB/PSHSB/EB 2009).

⁴ *Id.*

accreditation also are required to test their emergency operations plans twice annually. According to AHA, waiver relief should be available for these non-government-sponsored exercises because it is in the public interest to ensure that hospital communications operate effectively during emergencies. AHA also states that requiring separate waiver requests would be administratively burdensome on hospitals and the Commission. AHA thus requests a blanket waiver for hospitals seeking Joint Commission accreditation, until such time as the Commission adopts a final order in response to a forthcoming Notice of Proposed Rulemaking that will seek comment on potential changes to Section 97.113(a)(3).

We seek comment on AHA's request. Commenters should address whether we should grant AHA's request for a blanket waiver of Section 97.113(a)(3) to permit amateur operators who are hospital employees to participate in emergency drills that are conducted by hospitals for accreditation purposes and that are not government-sponsored. Commenters may also address whether, if blanket relief were to be granted, there would be some benefit from requiring hospitals to provide notice to the Commission concerning emergency drills they perform, and what such notice should entail.

Procedural Matters

Comments on the request are due **no later than April 2, 2010**. Reply comments are due **no later than April 19, 2010**. All filings should reference the docket number of this proceeding, WP Docket No. 10-54.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

⁵ *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

⁶ *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁷ *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WP 10-54. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For further information, contact Mr. William Cross of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0620, William.Cross@fcc.gov, or Mr. Jeff Cohen of the Public Safety and Homeland Security Bureau, at (202) 418-0799, Jeff.Cohen@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, and Chief, Policy Division, Public Safety and Homeland Security Bureau.

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