



It Seems to Us

David Sumner, K1ZZ — dsumner@arrrl.org
ARRL Chief Executive Officer

The 50% Solution

“Under pressure from stakeholders — including the ARRL — and Congress, the FCC has backed off halfway on its planned field office closures.”

In the May issue of *QST* we expressed skepticism about the Federal Communications Commission’s plan to restructure its Enforcement Bureau field staff by cutting the number of field agents from 63 to 33 and closing two-thirds of its field offices. The challenges the FCC faces in policing the radio spectrum are greater than ever and increasing every day; now is hardly the time to reduce its enforcement resources.

The ARRL was not alone in seeing the plan as flawed. Complementing our efforts, which included visits to commissioners’ offices, the National Association of Broadcasters was quick to point out that the epidemic of pirate FM station interference deserves more attention than it has been getting. Public safety communicators illustrated their concerns with examples of actual interference cases that would have been even more difficult to resolve had the nearest field office been farther away.

Congress weighed in as well. On April 23, Fred Upton, Chairman of the House Committee on Energy and Commerce, was joined by three other Congressmen, including Greg Walden, W7EQI, Chairman of the Subcommittee on Communications and Technology, in writing to FCC Chairman Tom Wheeler. Their letter reiterated concerns that had been expressed at a March 19 subcommittee oversight hearing and “have only been heightened by the commission’s failure to provide all the information requested by the committee.” The letter questioned how the FCC could possibly meet its stated goal of “taking action on 99% of complaints to public safety communications within one day” with a greatly reduced geographic footprint that included just three offices west of the Mississippi: Dallas, Los Angeles, and San Francisco.

Throughout the spring, the subcommittee had grilled FCC commissioners and senior staff at oversight hearings on a variety of topics. Yet another hearing was scheduled for June 11 on the subject of the field offices; ARRL General Counsel Chris Imlay, W3KD, was asked to be prepared to testify. However, on June 9, the Energy and Commerce Committee announced an agreement to amend the FCC’s plans and the oversight hearing was cancelled. The same day, FCC Chairman Wheeler circulated the modified plan to his fellow Commissioners and urged its quick approval. He is likely to get his wish, and probably will have by the time these words reach you.

The House committee’s news release states, “The revised plan will keep 15 of the FCC’s 24 field offices open, ensure better rapid response capabilities for the west, provide a mechanism for escalating interference complaints, improve enforcement of the FCC’s rules against pirate radio operators, and prevent the commission from transferring field office jobs to the FCC’s Washington, DC headquarters.” According to the National Public Safety Telecommunications Council

(NPSTC), whose governing board includes the ARRL, the revised plan includes monthly visits to a 16th location and two mobile “tiger teams” instead of the single team originally envisioned.

The parties to the agreement have put a happy face on the result, which Chairman Upton called a “win-win” and Chairman Wheeler “the best of both worlds.” Such an outcome is seldom achieved in Washington these days, where rational compromise is about as rare as steak tartare. However, let’s hold our applause for now. Lest we forget, our measure of success is not the number of field offices that remain open. It is the effectiveness of the Commission’s enforcement program as a deterrent to bad on-the-air behavior and a means of resolving interference from sources such as power lines and grow light ballasts.

If FCC enforcement was accomplishing everything we might wish and the revised plans promised the same results with greater efficiency, we would be the first to cheer. Sadly, that is not the case. Here is but one example.

On June 13, 2013, the FCC notified Thomas Edward Rogers of Woodinville, Washington that an agent from its Seattle office had confirmed that RF emissions from his property — apparently from grow light ballasts — were causing harmful interference and that he was responsible for correcting it. There was no response, so the Seattle office sent a formal warning a few weeks later. Again there was no response and the interference continued. On April 24, 2014, the Seattle office sent a Citation and Order to Mr Rogers, advising him that failure to resolve the interference “may result in severe penalties, including fines of up to \$16,000 per day.” Once again, nothing happened — and more than a year later, the Commission has made no attempt to impose any penalties at all.

It is now more than 2 years since the agent first documented the interference. Despite excellent field work and three communications from the FCC, the end result is the same as if none of that effort had ever been expended. One can only imagine the impact on the morale of the field agent and the rest of the Commission staff who did their jobs, only to have it come to naught.

But there’s more. To add injury to insult, the list of field offices initially slated for closure included — you guessed it — Seattle.