



Federal Communications Commission
Washington, D.C. 20554

December 3, 2009

DA 09-2302

Robert L. Stephens
Emergency Communications Supervisor
Kentucky Department of Military Affairs
J-6 Communications Division
Boone National Guard Center
Frankfort, KY 40601-6168

Dear Mr. Stephens:

This letter grants your request, dated October 26, 2009, on behalf of the Commonwealth of Kentucky, Department of Military Affairs, for a waiver to permit certain Amateur Radio Service licensees who are employees of the Commonwealth of Kentucky (Commonwealth) to transmit communications on behalf of their employer during an upcoming government emergency drill.

In your request, you state that the Commonwealth will be conducting a major Chemical Stockpile Emergency Preparedness Exercise on Wednesday, October 28, 2009 from 8:00 a.m. to 5:00 p.m. You state that this is an annual exercise to test the emergency response to the possible release of chemical nerve agents stored at the Blue Grass Army Depot. You indicate that amateur radio is necessary to the exercise, one component of which is to test the Commonwealth's communications capabilities in the event of the evacuation of local Public Safety Answering Points and Emergency Operations Centers. The amateur radio communications plan for the exercise contemplates the operation of amateur stations at Frankfort, Lexington, Madison, Richmond, and Berea/Big Hill, Kentucky.

Section 97.113(a)(3) of the Commission's Rules, 47 C.F.R. § 97.113(a)(3), prohibits amateur licensees from transmitting communications in which they have a pecuniary interest, including communications on behalf of an employer. You therefore request a waiver of this rule to permit the following amateur licensees, who are employees of the Commonwealth, to transmit communications on behalf of their employer in connection with the exercise: Robert Stephens, WA4CMO; Patrick Compton, KF4FMZ; Glenn Foley, KO4OL; Paul Green, KI4JWM; and Charles O'Neal, KE4AIE.

Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, provides that the Commission may waive its rules if good cause for waiver is shown. We conclude that grant of the waiver request is appropriate under the circumstances presented. The public interest in facilitating the October 28 public safety exercise by permitting the specified amateur licensees to participate warrants this limited waiver of Section 97.113(a)(3). This waiver grant permits transmission of communications by the above-listed amateur employees on behalf of their employer during the October 28, 2009, exercise, and immediately prior to the exercise for the purpose of operational testing of equipment.

Accordingly, IT IS ORDERED that the waiver request of the Commonwealth of Kentucky, Department of Military Affairs, dated October 26, 2009, IS GRANTED.

Robert L. Stephens

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau