



Federal Communications Commission
Washington, D.C. 20554

November 30, 2009

DA 09-2511

Robert F. Davis
Director and Agent
Board of Health
43 South Washington Street
North Attleboro, MA 02760-1688

Dear Mr. Davis:

This letter grants your request, dated November 12, 2009, on behalf of the Town of North Attleboro and its Board of Health (the Town) for a waiver to permit an Amateur Radio Service licensee who is an employee of the Town to transmit communications on behalf of his employer during an upcoming government emergency drill.

In your request, you state that the Town will be holding an Emergency Dispensing Site (EDS) training exercise in conjunction with its annual distribution of available flu vaccine to residents. The exercise is scheduled for December 12, 2009, but may be rescheduled to December 19, 2009 if the flu vaccine is not available on December 12. You state that the EDS exercise will test the Town's procedures for implementing an emergency inoculation of the Town's population. The drill will be held in North Attleboro, Massachusetts.

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 Peter Lamb, N1NVE, who is a Town employee, to transmit communications on behalf of the Town in connection with the exercise. He will communicate with other (volunteer) amateur licensees to coordinate the exercise.

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 December 12 (or 19) 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 employee on behalf of his employer during the December 12 (or 19), 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 Town of North Attleboro and its Board of Health, dated November 12, 2009, IS GRANTED.

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