



Federal Communications Commission
Washington, D.C. 20554

March 12, 2010

DA 10-425

A. Gordon Merry III
Director
Cabell County Office of Emergency Services
846 8th Avenue
Huntington, WV 25701

Dear Mr. Merry:

This letter grants your requests, dated March 1, 2010, on behalf of the Cabell County Office of Emergency Services (the County) for a waiver to permit certain Amateur Radio Service licensees to transmit communications on behalf of their employers during an upcoming government emergency drill.

In your request, you state that the County will be holding an exercise on March 13, 2010 from 9:00 a.m. to 3:00 p.m. You state that this exercise will test emergency communications, particularly amateur radio as a secondary form of communication, in the event of an airplane crash at Tri-State Airport. The drill will be held at various locations in Cabell County, West Virginia.

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 employees of medical facilities participating in the exercise to transmit communications on behalf of their employer in connection with the exercise: for St. Mary's Medical Center, Lawrence D. Lucas, KD8JHW, and Charles F. Herr, WD8AGH; for VA Medical Center, Shelby Neuhouser, KC8JIG, and David R. Reuschel, KC8LUG; and for Cabell County Hospital, Mike Nimmo, WN8H, Charles Bishop, KD4VQW, and Mark Baldwin, KI4NPF.

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 March 13 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 employers during the March 13, 2010 exercise, and immediately prior to the exercises for the purpose of operational testing of equipment.

Accordingly, IT IS ORDERED that the waiver request of the Cabell County Office of Emergency Services, dated March 1, 2010, 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