

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
AMERICAN RADIO RELAY LEAGUE)
)
Request for a Waiver of Section 97.111(a) of the)
Commission’s Rules to Permit Demonstration of)
Amateur-Military Cross-Band Capabilities During)
Amateur-Military Commemoration of Pearl Harbor)
Day)

ORDER

Adopted: November 27, 2023

Released: November 27, 2023

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. Introduction. By this order, we grant the request filed by the American Radio Relay League (ARRL) for a limited waiver of section 97.111(a) of the Commission’s rules to permit licensed amateur stations to communicate with Federal stations over a four-day period.1 The Waiver Request is for the limited purpose of a short-term event relating to National Pearl Harbor Remembrance Day, commemorating the 82nd anniversary of the Pearl Harbor attack, and to allow amateur licensees to practice communication techniques with the United States military from December 6–9, 2023.2

2. Background. Section 97.111(a) of the Commission’s rules authorizes amateur stations to transmit specific types of two-way communications and limits communications with Federal stations.3 Section 97.111(a)(5) of the rule grants specific authority to communicate with Federal stations for such communications for one armed forces special event day, the Armed Forces Day Communications Test.4 No other commemoration day is authorized in this rule section.

3. ARRL seeks this waiver for the period from December 6–9, 2023, in conjunction with observation of National Pearl Harbor Remembrance Day.5 ARRL states that tests such as those proposed provide opportunities to train operators and test two-way communications capabilities between military communicators and radio stations in the Amateur Radio Service, which allows operators to demonstrate technical skills in a controlled scenario.6 ARRL also represents that the frequencies and time periods selected have already been “authorized on the Federal side” and operations will not impact any public, private, or government communications.7 ARRL also states that Amateur Radio operators will follow

1 E-mail from David Siddall, Counsel to ARRL, to Roger Noel, Chief, Mobility Division, FCC Wireless Telecommunications Bureau (November 17, 2023) (Waiver Request); see 47 CFR § 97.111(a).

2 Waiver Request at 1.

3 47 CFR § 97.111(a).

4 47 CFR § 97.111(a)(5).

5 Waiver Request at 1.

6 Id. at 1–2.

7 Id. at 2.

related FCC regulations, such as mode, maximum power, and license class.⁸

4. *Discussion.* To obtain a waiver of the Commission's rules, a petitioner must demonstrate either that the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that a grant of the waiver would be in the public interest; or that, in view of unique or unusual factual circumstances of the instant case, application of the rule would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.⁹ For the following reasons and with the following limitations, we conclude that granting the requested waiver is in the public interest.

5. We find grant of the waiver meets the second prong of the waiver standard in section 1.925(b)(3)(ii) in that this event presents a unique opportunity for the Amateur and military communities to practice communication skills under the guidance of military officials, which may be useful in the future and serves the public interest.¹⁰ In addition to the skills gained by amateur operators that participate in the test, this day has a historic significance and emphasizes the importance of reliable communications and the need to be vigilant in our national defense. We also find that the limitations proposed by ARRL are appropriate to prevent harmful interference and to serve the purpose of the commemorative event.¹¹

6. Specifically, this waiver is conditioned on participating amateur stations: 1) monitoring the three identified federal frequencies—14.375 MHz, 18.1625 MHz, and 21.856 MHz; 2) responding on spectrum allocated to the amateur service and only at the request of event organizers; 3) operating consistent with the privileges of their amateur licenses; and 4) limiting communications to the period December 6–9, 2023. Additionally, all other related Commission regulations that are applicable to amateur operators will continue to apply (e.g., mode, maximum power, and license class).

7. Accordingly, IT IS ORDERED that pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.925 of the Commission's rules, 47 CFR § 1.925, the Request for a Waiver of Section 97.111(a) of the Commission's Rules IS GRANTED as set forth and conditioned above.

8. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Thomas Derenge
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ *Id.* ARRL also attaches to its Waiver Request email correspondence that states the relevant military authorities support the proposed cross-band operations specific to this event. *Id.* at 3–5.

⁹ 47 CFR § 1.925(b)(3).

¹⁰ *See* 47 CFR § 1.925(b)(3).

¹¹ Waiver Request at 1–2.