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- August 28, 2026-

IMMEDIATE ATTENTION REQUESTED

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	Others also included.
*E-mail and *FAX is a cover page to each recipient with Link to Web page with all documents for download and viewing.	

**AS WILDFIRES RAGE, CABAL AT FCC MAKES UP ITS OWN RULES.
ACTUAL FCC RULES ARE IGNORED AND EXISTENCE DENIED.
OFF THE BOOK FCC FRAUD RULES BEING USED BY FCC.
PUBLIC SAFETY AND LIVES AT RISK.
CALL FOR CONGRESSIONAL INVESTIGATION.**

THIS LETTER AND ALL OF THE EXHIBITS ARE LOCATED AT THIS LINK:

 <https://www.shastadefense.com> **CLICK ON “FCC CABAL”** 

To Whom It May Concern:

The subject of this letter impacts ALL COMMUNITY HAM RADIO EMERGENCY COMMUNICATION PLANS AND ALL NON HAM RADIO EMERGENCY COMMUNICATION PLANS IN THE UNITED STATES.

The essential issue presented is as follows:

“Can a non-ham use a ham frequency in order to save human life in an emergency.”

For illustration:

“assume a Ham and his wife are driving and have an auto accident. The Ham operator (husband) dies on impact. The wife is going to bleed to death without immediate medical attention, but she is not a licensed Ham operator. The Ham radio is working and she can reach it. The cell phone has no reception. Issue: Can the wife use the Ham radio to call for help?

The answer is either: Yes, or No.” (Exhibit I).

The FCC is falsely telling everyone the answer is “NO”, With threats of Enforcement Action (including large fines, loss of License...). (Exhibit F, pages 7, 9, 11, 13).

But, the actual FCC Rules and FCC Legal Counsel’s answer is “YES”.

This situation dates back to at least the year 2020. Based on the FCC history in these matters, it appears there are “Off the Book Rules”. Clear indications are that a “Behind the Scenes” Agenda at the FCC exists which legislators and the public are not aware. **This jeopardizes community emergency preparedness and communication plans throughout the United States.**

The actual FCC Rules provide the answer. Further, FCC Legal Counsel answered this exact question back in 2021. This was after over 7 months of the FCC making false statements, lying, deceiving, and refusing to acknowledge the FCC rules on the subject. The FCC denied the existence of its own rules and even refused to read them during telephone communications. A Congressman had to get involved.

Then, FCC Legal Counsel back in 2021 advised.

“Yes, the use of the Ham Radio under the above circumstances by the unlicensed wife would be reasonable;” (Exhibit I).

In direct contradiction, the FCC (back in 2020 and 2021) was claiming that: “there is no provisions in the Rules that would allow unlicensed use in the amateur bands”.

FCC Legal Counsel confirmed, back in 2021, that this FCC claim was erroneous and not correct. (Exhibit I, page 2)

THE FCC FRAUD AND THEFT OF THE PUBLIC SAFETY.

Now, in 2026, LAURA SMITH FCC (“SMITH FCC”) is again digging up FCC FAKE Rules and fraudulently advising:

“there is no situation where the amateur rules would authorize unlicensed use.” (See Exhibit F, pages 2, 9)

“...an unlicensed individual may not operate an amateur radio under any circumstances. If they do so, they are in violation of the Communications Act and the Commission’s rules and subject to a possible enforcement action”. (See Exhibit F, pages 2, 9, 11, 13). (Hereinafter, the “FCC FRAUD”).

The conduct of the FCC is nothing short of fraud, dishonesty and deceit.

NATIONAL IMPACT ON COMMUNITY EMERGENCY COMMUNICATIONS.

The impact of this FCC FRAUD goes beyond the stopping of a NON Ham from saving only 1 life in the automobile accident situation (above).

This FCC FRAUD has ramifications extending to Emergency Radio Communications involving ENTIRE COMMUNITIES in the United States who are presently facing raging Wildfires, Tornadoes, Flooding, Evacuations, and other emergencies involving essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available. It is only a question of how many people must needlessly die.

Immediate intervention is required due to the arbitrary and capricious actions of the FCC. **The actual FCC Rules are being ignored.**

The problem is that most Hams merely regurgitate this FCC FRAUD without any mental thought process. Other Hams are afraid to disagree with the FCC out of fear and threats of huge fines and loss of license. And then there are those Hams who are elitist snobs who view Ham Radio as their exclusive social media arena and Public Safety has no role.

Hams have actually used this FCC FRAUD as a weapon of destruction in Shingletown, California. Back in October, 2020, and continuing thereafter, the then President of the local Ham Club,

actively and continuously worked to destroy both the **Ham and Neighborhood Murs coordinated Plan** of Shingletown Emergency Radio. The FCC FRAUD was regurgitated, and multiple Ham Club lemmings followed their “leader” setting the stage for Shingletown to be the next Paradise. [**Camp Fire of 2018** Northern California November 2018, which involved an Area much like Shingletown geographically, was hit by fire that spread, at its peak, at the rate of **80 football fields a minute** killed 85 people, making it the deadliest in California’s history. Some died on the roads as their vehicles were overtaken by the fast-moving fire, most of the 85 people killed were older residents whose homes were burned before rescuers could reach them. Many people did not receive emergency alert warnings, and some who did received them, too late].

THE FCC FRAUD IS BEING USED TO DESTROY THE VERY CONCEPT OF COMMUNITIES PREPARING FOR EMERGENCY COMMUNICATIONS. FCC FRAUD and HAM HYPOCRISY.

The FCC on its website states the following:

“The Commission encourages those in historically fire-affected areas to consider pre-fire communication planning to maximize opportunities for the public to receive and disseminate the vital information they need. Such planning should take into account that wildfires can cause damage to wireline and mobile communication systems, making it difficult for individuals to communicate with family, friends, and community members about fast-changing fire conditions or to contact emergency services”.

The Shingletown Emergency Radio Plan has done exactly what the FCC said to do.

But, FCC actions are destroying Public Safety.

The FCC FRAUD was and is being used to destroy an actual operating Community Emergency Radio Communications Plan. How many others throughout the Nation are being destroyed?

First, what is the Shingletown Emergency Radio Plan (SER)?

The primary focus of SER is Emergency Communications during wildfires, earthquakes, Sheriff Ordered Mandatory Evacuations, and other emergencies in connection with the immediate safety of human life and immediate protection of property. It has existed for in excess of 8 years. Shingletown has been on the Top of the list of Areas to be burned out by Wildfire and is remote, with rugged terrain. If there is a fire and you don’t get notice, and you don’t get out, you will be trapped. SELECT TEAM Participants are to use their best efforts to monitor plan Channels 24/7 because fires and emergencies don’t have a schedule. Minutes matter. The SER Plan Channels are PL toned so that Participants can monitor 24/7. There is no social talk. The Plan Channels are silent except when activated. Anyone can listen; however, transmit capable SELECT operators must satisfy SER criteria.

The SER Plan includes: Fire Net Tacticals / Fire Net Structure (Exhibit A); Mobile Radio Evacuation Procedures – overview (Exhibits B and C) ; Area Fire Net Activation Criteria (Exhibit D); and Emergency Communication Protocol – involving the use of Non Hams (Exhibit E).

The SER Plan was designed on the premise that NOTHING IS WORKING. You have no electricity, no internet, no cell phone, no land line and a FOREST FIRE IS HEADED YOUR WAY. SER has built in redundancy as equipment and radios are pre-programmed with the actual Plan and SELECT operators are monitoring 24/7. There is a Tone out (5 long tone Ts' coming out on 3 Channels). It is 2:00 A.M. You hear the Activation Agenda. “Fire Net Activated” “Fire Control on 9” , “Need 63 Relay”... “Need Cal Fire 20” , ... “Need Mapping” ... “Need Triangulation”... “Need Flight Radar” , etc... .You are stressed. Reports are of a large smoke plum, high winds. But you have practiced. Settle in and follow the plan. Within a minute, a FULL FIRE NET ACTIVATION HAS STARTED. That is what the SER Plan is about. How many other towns or Cities have done this? Has yours?

SER is an all volunteer SELECT Team of Operators (Ham and Non Ham). It is a structured and disciplined Emergency Radio Operations Plan which was designed to coordinate communications between Neighborhoods (using their designated Channels – e.g., MURS Channel (no license required, but subject to FCC Rules); and (originally) using a Ham Radio BACKBONE (using different Channels (e.g., Ham Repeaters)). Hams are licensed through the FCC and also subject to FCC Rules.

The HAM BACKBONE (the original Operations Center) was where all reports were pooled together and summarized (e.g., mapping of a fires location, its direction of travel, wind direction, distance from fire to each neighborhood, reports from neighborhoods as to any other sources of suspect smoke, fire or embers – spot fires, etc...). This Ham Backbone was originally designed to coordinate all Neighborhoods by having a Ham Coordinator for each Neighborhood. Each Neighborhood could deal with its own portion of an “emergency” on its designated Channel (e.g., MURS, no license required). Thus, 12 neighborhoods could each be having independent emergency communications on their own Channel 1 (e.g., dealing with trees blocking escape routes out of the neighborhood, power outages, embers falling in the neighborhood (spot fires), etc...); and at the same time be connected to the Ham Backbone Net (which was working 2 or more Ham channels). Radio Reports and summaries were then fed to/from Neighborhood Nets and to/from the Ham Backbone net by Area Ham Coordinators. Thus, you could have 14 or more net operations all working at the exact same time and NOT interfering with each other . Yet, they were all coordinated and sharing life saving information (brief, disciplined and to the point factual summaries).

THE OCTOBER 2020 FIRE NET.

During October 2020, a SER Fire Net was activated in Shingletown. This Fire Net dealt with 2 wildfires in Shingletown burning at the same time - one on the East side, and the other on the West side. There was high fire danger, high wind advisories and while the 2 wildfires were burning, the electrical power to Shingletown was shut off. There were communication and internet problems, etc... . (see description of FIRE NET – Exhibit M, pages 3 through 7).

It was during this October 2020 FIRE NET, that the President (at that time) of the local Ham Club (WALKER W6IO) was acting as “Cal Fire 20”. (See **Exhibit A, which shows the Radio Plan structure for a SER Fire Net**). “Cal Fire 20” is the tactical / radio post which was to monitor the Redding Dispatch frequency and relay summary reports to Fire Control on the Fire Net Ham frequency when requested. However, during the Fire Net WALKER W6IO **abandoned his radio post to talk on the phone about selling radio equipment**, All other Hams were busy at their posts during this Fire Net (with some doing 2 and 3 jobs). No Ham was available, so a Non Ham was advised by FIRE CONTROL to act as Cal Fire 20 (the job abandoned by WALKER W6IO). Such was done for a very brief time, until WALKER W6IO returned to his post. The NON Ham was deactivated and WALKER W6IO took over as Cal Fire 20, again.

The day after the October 2020 Fire Net, WALKER W6IO started his aggressive destruction of the SER Plan, using the FCC FRAUD as his initial weapon.

WALKER W6IO announced on frequency and in e-mails that it was illegal for a NON ham to use a ham frequency and that doing so could subject people to thousands of dollars of fines and penalties. (Exhibit M, page 7). He then took action to **ban the SER Plan from critical Ham Repeaters, and initiated a Ham Boycott of the SER Plan.** (Exhibit M, page 8).

WALKER W6IO has stated that if there are No Hams available during a fire, “THEN NOTHING GETS DONE”.

As a result of WALKER W6IO, his Ham club boycott, and the FCC FRAUD, there are not enough HAMS for the Ham Backbone to function.

After the Ham Backbone was destroyed, the SER Plan had to be revised. A team needs to be working together. A single Ham ZELIFF (K6PDS) alone is not a plan and can’t perform all of the jobs needed. Thus, a specific well organized Neighborhood (Village where ZELIFF K6PDS lives) became the Backbone using a specific CORE AREA MURS channel (Operations Center-Village) (no license required for MURS). This is where all net operators are now centered and coordinated.

However, WALKER W6IO then interfered with this CORE AREA **MURS** CHANNEL Operation Center (the new Backbone). Radio PL tones had to be changed multiple times and even the MURS channel had to be changed.

WALKER W6IO even blocked and interfered with an emergency radio relay request (immediate safety of life) **by a Ham** during which a NON Ham was responding to make the 911 call for the Ham.

The SER Plan is the only known operating Radio Emergency Communication Plan for Shingletown.

12/17/2020 - REQUEST TO FCC: ISSUE FOR DECISION / CLARIFICATION.

After the October 2020 FIRE NET, ZELIFF K6PDS REQUESTED ASSISTANCE FROM THE FCC AS TO USE OF A NON HAM DURING A FIRE NET. SPECIFICALLY THE FCC (and with fax to FCC Legal Counsel) WAS REQUESTED TO RESPOND TO THE ISSUE FOR DECISION / CLARIFICATION AS FOLLOWS:

“...As discussed, a recent WILDLAND FIRE incident (two wildfires burning at the same time) in Shingletown, California, has resulted in an urgent legal matter impacting the life and safety of the residents of Shingletown and surrounding vicinity.

ISSUE FOR DECISION / CLARIFICATION:

Under the facts and circumstances, as set forth hereinafter, was it lawful / permissible for a NON licensed person to communicate on a Ham Radio frequency during an active wild land fire incident to provide essential communication needs in connection with the immediate safety of human life and the immediate protection of property, when there was no Licensed Hams volunteering to assist in the operations of an established Shingletown Emergency Radio FIRE NET activation being conducted on a Ham Repeater Frequency for the community of Shingletown, California?” (See Exhibit M, Page 1).

“... A specific and direct response to the issue presented in the context of the facts and circumstances of this case is critical”. (See Exhibit M, Page 10).

Note: The SER Emergency Communication Protocol – Non Hams was attached. (See Exhibit M, Pages 11 and 12)

FCC FRAUD.

During 2020 and 2021 (over 5 years ago) the FCC advised:

“... Simply put, we recognize the important role that amateur operators play in emergency communications; however, **there is no provision in the Rules that would allow unlicensed use in the amateur bands**”. (emphasis added). (see Exhibit L, page 2).

Back in 2020 and 2021, the FCC lied, obfuscated, deceived, denied the existence of Actual FCC Rules, and even refused to even read them during phone communication. Such FCC Rules actually alllowed such “unlicensed use” for emergencies to save life. But, the FCC FRAUD continued for over 7 months!

ZELIFF K6PDS was told to go to his Congressman. ZELIFF K6PDS contacted then Congressman Doug LaMalfa. Even the Congressman was subjected to “false statements, deceptions, being ignored, evasive tactics and lies by multiple FCC Officials”. This continued despite ZELIFF

K6PDS submitting legal authority. (Exhibit L). ZELIFF K6PDS had even requested FCC legal counsel to get involved.

The FCC was continuing its lies and deceit. In an effort to get the FCC to stop lying, ZELIFF K6PDS Requested Congressman Doug LaMalfa to put a very simple and straight forward hypothetical to the FCC and have them answer either “yes” or “No” as to whether a non-ham can use a ham frequency in an emergency. (Exhibit K).

The narrow specific “issue” is summarized ZELIFF K6PDS’s Congressional Representative’s e-mail to the FCC dated July, 2021, as follows (quoted in Exhibit J, at page 2):

“It is beyond frustrating that I can’t get the FCC to confirm their own regulation surrounding the use of the ham frequency by a non-ham in the event of an emergency. This goes back to early February and I still can’t get a WRITTEN response. I need to share it with my constituents.

Can a non-ham use a ham frequency in order to save human life in an emergency. For illustration, assume a Ham and his wife are driving and have an auto accident. The Ham operator (husband) dies on impact. The wife is going to bleed to death without immediate medical attention, but she is not a licensed Ham operator. The Ham radio is working and she can reach it. The cell phone has no reception. Issue: Can the wife use the Ham radio to call for help?

The answer is either: Yes, or No.

I need a yes or no response ASAP.”

- End of Congressional E-Mail to FCC-

Finally, legal counsel for the FCC answered the question – Yes, a NON ham could use a Ham radio during an emergency. **As stated in Exhibit I – “Yes, the use of the Ham Radio under the above circumstances by the unlicensed wife would be reasonable”.**

Back in 2020 and 2021, this took over seven (7) months of being subjected to the FCC making false statements, lying, deceptions, refusing to acknowledge the FCC rules on the subject, FCC denying the existence of such provisions and even refusing to read them during telephone communications. The assistance of a U.S. Congressman was needed to have the FCC acknowledge the existence of its own regulatory provisions, and the FCC even lied to him.

This history is partially shown by:

December 17, 2020 FAX to FCC and FCC Legal Counsel requesting issue for Decision / Clarification. (Exhibit M);

July 27, 2021 Letter - FCC FANS THE FLAMES OF WILD FIRE THREAT IMPERILLING LIFE AND SAFETY. (Exhibit J);

September 14, 2021 Confirming FAX to FCC Acting Chief Counsel. (Exhibit I); and

September 14, 2021 e-mail to then Congressman Doug LaMalfa. (Exhibit H).

Specifically, as shown in Exhibit I, page 1, and in response to the auto accident hypothetical presented, then Acting Chief Counsel for the FCC in resolving the issue looked to whether the unlicensed use “under the” “circumstances” was “reasonable” and the determination of whether there was an “emergency” is “fact specific”.

Further, the FCC prior “position” that “there is no provisions in the Rules that would allow unlicensed use in the amateur bands” was confirmed to be erroneous and not correct. (Exhibit I, page 2).

NOW in 2026, FCC SMITH is spreading the same FCC FRAUD just as the FCC did in 2020 and 2021.

But, now (year 2026), SMITH FCC refuses to answer the exact same auto accident hypothetical which FCC Legal Counsel previously answered. Further, SMITH FCC takes her personal action to eliminate the provisions of Rule 97.403 through deceit. She seeks to accomplish this by changing the wording of Rule 97.403 to make it incapable of any effective use by anyone in an actual emergency. Such is contrary to the actual Rule and prior resolution in this matter. SMITH FCC IS DECEITFUL AND DISHONEST.

In excess of 5 years ago (December 17, 2020) K6PDS was still attempting to get the FCC to acknowledge the mere existence of its rules concerning Non Hams (e.g., persons using MURS), being allowed to use Ham for emergencies. Explanations of the SER Plan were provided in addition to information about the October 2020 double FIRE NET. The FCC supervisors agreed to forward my FAX to FCC Legal Counsel. FURTHER, FAX WAS ALSO FAXED TO FCC GENERAL COUNSEL. (Exhibit M, pages 1, 11, 12, 17).

EXHIBIT 1 to that FAX of December 17, 2020 (See Exhibit M, pages 11 and 12). IS THE SER PLAN EMERGENCY COMMUNICATION PROTOCOL – NON HAMS. IT IS BASED UPON OPINION OF LEGAL COUSEL (ZELIFF) AND SPECIFICALLY DISCUSSED FCC RULE 97.403 AND THE ISSUE AS TO: “when normal communication systems are not available”. This document was provided to the FCC AND ITS LEGAL COUNSEL OVER 5 YEARS AGO. NEITHER THE FCC NOR ITS LEGAL COUNSEL HAS EVER ADVISED THAT THIS SER POLICY WAS IN ERROR!

THIS EXACT SAME SER POLICY WAS USED DURING THE VILLAGE 2026 FIRE.

The above SER Protocol, provides in part:

“IN EMERGENCY SITUATIONS INVOLVING “ESSENTIAL COMMUNICATION NEEDS IN CONNECTION WITH THE IMMEDIATE SAFETY OF HUMAN LIFE AND IMMEDIATE PROTECTION OF PROPERTY” – if there are not enough Ham stations to help, the SER Plan will use Non Hams on Ham frequencies to facilitate the Shingletown Emergency Radio Plan. FCC Rule 97.403 further advises that the above applies “when normal communication systems are not available.” During such emergency SER Net activations (e.g., FIRE NETs, evacuations from wildfires, major

earthquakes, etc...), “normal communications systems” ARE, IN THE OPINION OF LEGAL COUNSEL, factually “not available”. Discussion follows. ...”

“BY DEFINITION, A SHINGLETOWN WILD FIRE INVOLVES THE IMMEDIATE SAFETY OF HUMAN LIFE AND THE IMMEDIATE PROTECTION OF PROPERTY ...”

“UNDER A SER PLAN EMERGENCY NET ACTIVATION (E.G., A WILDLAND FIRE IN SHINGLETOWN), HAM OPERATORS ARE NEEDED IMMEDIATELY TO FILL INFRASTRUCTURE REQUIREMENTS FOR AN OPERATING EMERGENCY COMMUNICATIONS NET. IN THE EVENT THERE ARE NOT ENOUGH HAM OPERATORS TO FILL THE VOID, THE ISSUE IS WHETHER NON LICENSED PERSONS CAN BE USED TO HELP DURING SUCH EMERGENCY COMMUNICATIONS NET. ...”

AT THE POINT THAT NO HAMS ARE AVAILABLE TO HELP DURING AN EMERGENCY NET. FIRE CONTROL (FOR EXAMPLE) IS GOING TO NEED HELP FROM NON HAMS. YOUR REAL GOAL IS FOR SOMEONE TO PERFORM A SPECIFIC TASK RELATED TO THE EMERGENCY. FOR EXAMPLE – SOMEONE TO MONITOR CAL FIRE DISPATCH AND RELAY REPORTS INTO THE FIRE NET. IF A NON HAM RESPONDS TO YOUR REQUEST FOR HELP, THAT MEANS HE IS ON FREQUENCY. YOU CAN CONFIRM HE CAN MONITOR THE REQUIRED FREQUENCY. AT THIS POINT IN TIME, YOUR NORMAL COMMUNICATIONS WITH THIS STATION IS THE RADIO! IN FACT, IT IS THE ONLY COMMUNICATION YOU HAVE.

COMBINE THE ABOVE CIRCUMSTANCES WITH THE FACT THAT IN THE SHINGLETOWN AREA, RELAY FROM CELL PHONES IS NOT RELIABLE (AND MANY TIMES NON EXISTENT). FURTHER, THERE IS THE HISTORY OF LAND LINE FAILURES ...REPEATED INTERNET FAILURES. DURING FEBRUARY, 2019, SHINGLETOWN HAD A COMPLETE COMMUNICATIONS BLACKOUT DURING SEVERE SNOW STORMS WITH A TOTAL ELECTRICAL POWER OUTAGE. THERE WAS NO ABILITY TO CALL 911 OR RECEIVE ANY TYPE OF REVERSE 911 CALL. IT WAS A 100% COMMS FAILURE. THE ONLY EXCEPTION WAS HAM RADIO. PEOPLE WITH MEDICAL CONDITIONS WERE STRANDED, WITH OVER 3 FEET OF SNOW, AND NO ABILITY TO ASK FOR OR GET HELP. ...

MOREOVER, DURING OCTOBER, 2020, PG&E DID A POWER “SAFETY” SHUT OFF DURING A PERIOD OF HIGH FIRE DANGER. ...WHILE A ...FIRE NET WAS OPERATING DUE TO TWO (2) WILDLAND FIRES CONCURRENTLY BURNING (AT BOTH THE EAST AND WEST SIDES OF SHINGLETOWN). ... THERE ARE NOT ENOUGH HAM OPERATORS TO FULLFILL ALL OF THE COMMUNICATION TASKS ESSENTIAL TO SER EMERGENCY NET OPERATIONS.

SUCH COMBINATION OF FACTORS, THE CONDITIONS EXISTING IN SHINGLETOWN (RUGGED TERRAIN, ETC...) COMBINED WITH THE RAPID AND EXPLOSIVE SPEED OF TRAVEL OF WILDFIRES IN CALIFORNIA, (WITH DEADLY CONSEQUENCES TO RESIDENTS) FACTUALLY RENDERS “NORMAL COMMUNICATION SYSTEMS” AS BEING “UNAVAILABLE” DURING THESE TYPES OF EMERGENCIES. ACCORDINGLY, NON HAMS WILL BE UTILIZED IN ACCORDANCE WITH FCC GUIDELINES. IN THE EVENT A HAM BECOMES AVAILABLE, THE NON HAM WOULD BE DEACTIVATED AS SOON AS PRACTICABLE. THIS IS BOTH FOLLOWING THE FCC RULES AND THE SPIRIT BEHIND THOSE RULES. ADDITIONALLY, FOLLOW SER PROCEDURES SO THE SYSTEM CAN FUNCTION PROPERLY. K6PDS”.

(bold AND underline emphasis added). SEE EXHIBIT M pages 11 and 12).

Again no one at the FCC or its Legal Counsel disagreed with the above protocol at any time during the last 5 years. Further FCC Legal Counsel confirmed that the non-ham use of the Ham Radio under the circumstances set forth in the Auto Accident hypothetical was reasonable (lawful).

At present, the SER Plan only has a few Hams helping and their assistance is greatly appreciated. However, due to location ZELIFF K6PDS is the only Ham that can cross communicate between the VILLAGE OPERATIONS CENTER (MURS BACKBONE) and both HAM REPEATERS. Other Areas can hear one or both repeaters even though they are out of range of the MURS Backbone. The overall communications Plan (i.e., Ham Repeaters in combination with MURS backbone) is essential, because not everyone can reach the MURS Backbone, and not everyone can reach both Repeaters. But, using HAM Repeaters and the MURS BACKBONE achieves the immediate essential communications capability during an Emergency (immediate safety of life, e.g., Wildfires, etc...).

ZELIFF K6PDS is the only participating Ham who can coordinate MURS CH 9 AND BOTH HAM REPEATERS. This is a problem. Having a “Plan” that relies on a single person or only a couple of people who can activate and operate emergency communications is NOT A PLAN.

The SER Emergency Communication Protocol – use of Non Hams (Exhibit E) is part of the SER Plan to attempt to fill this gap (and it complies with FCC Rules).

THE SMITH FCC FRAUD HAS PARALYZED THE EMERGENCY COMMUNICATIONS PLAN FOR WILDFIRES, WILDFIRE EVACUATIONS, ETC... .

A House Fire in the Village (Shingletown) on July 25, 2026 (“VILLAGE 2026 FIRE” – house total destruction), has brought the matters herein to another explosive head. Actual FCC rules are again not being followed by the FCC. SMITH FCC refuses to discuss the law or the facts. During 2020 and 2021 the FCC denied the very existence of its own rules including FCC Rule 97.403. But this time SMITH FCC doesn’t deny its existence, but rather goes even further and changed the actual wording of FCC Rule 97.403 and then used her “FAKE RULE” as a bootstrap to claim violation.

Moreover, SMITH FCC thereafter falsified the record to claim willful violation based upon her own made up “FAKE RULE”. It is clear that SMITH FCC took this additional threat posture because she was “pissed off” that ZELIFF K6PDS had put in writing his disagreement, challenged her flagrant disregard of the actual FCC Rules, and dared to makes requests for referral for someone else to review and actually look at the facts and rules.

THE VILLAGE 2026 FIRE (7/25/2026).

During the VILLAGE 2026 FIRE, 2 Non Hams were briefly used. During the fire ZELIFF K6PDS was the only available Ham in the immediate Area to coordinate emergency communications relating to the fire (MURS and HAM). More radio help was necessary. Non Hams were briefly used during these emergency communications (in adherence to the SER Protocol – Exhibit E).

This was a residential structure Fire (a 2 story home – fully involved and total loss). Power was off in this area. Fireworks appeared to be shooting out of the structure. Fire torching high into the air – estimated at least 50 feet from ground level and surrounded by pine trees (estimated over 80 feet tall / 100 feet tall). Other structures were threatened, fire started to spread to vegetation and pieces of burned housing material (approx 6 to 8 inches in length) were found about 3 houses away from the house fire. This was

located in a neighborhood with approximately 400 homes. All streets have to use only one street for any evacuation onto highway 44. Elderly and persons with medical conditions live in the neighborhood. Also, there was a report of Fire Trucks going down Shingletown Ridge Road (just across Highway 44 from above incident). Another non Ham drove the road and determined UTL. Repeater needed for communications due to very rugged area and need for essential communication ability in area. (See Exhibit AA Village 2026 Fire).

SMITH FCC has CLAIMED that the use of non-hams during the above Fire Net was in violation of FCC Rules. She has threatened enforcement action.

The arbitrary and capricious behavior of SMITH FCC is further shown by her referencing 3 different rules.

However, 2 of the “Rules” set forth by SMITH FCC DON’T ACTUALLY EXIST. THEY ARE FAKE RULES. But these are the “Rules” SMITH FCC uses to claim Rule violation.

The 2nd Rule set forth by SMITH FCC is an actual FCC Rule; however, SMITH FCC does NOT use it in claiming violation of FCC Rules. She doesn’t discuss it or apply the actual Rule.

SMITH FCC FAKE RULE 1- her personal version of 97.403:

“Section 97.403 of the Commission’s rules clearly states that a non-licensed individual may only use amateur radios to communicate if there is an “immediate” safety of life or protection of property issue **AND no other form of communications is available. Both parts must be satisfied and your email explanation did not satisfy the second part of the rule requirement.** The rule is cited below for your convenience.” (bold and underlined emphasis added). SEE SMITH FCC E-MAIL OF Thursday, July 30, 2026 at 11:20:01 AM PDT, (Exhibit F, page 20).

After SMITH FCC modified THE ACTUAL RULE SHE USED THE FAKE RULE TO CLAIM VIOLATION. Then SMITH FCC provided the wording of actual FCC Rule 97.403 for “your convenience” (which is set forth below). However, again, SMITH FCC used her FAKE RULE 1 as the basis for finding a rule violation. SMITH FCC admits that the VILLAGE FIRE involved “immediate safety of human life and immediate protection of property” but the SMITH FCC modification of the second part of her FAKE RULE 1 was used to claim violation claiming that the Village Fire “did not satisfy the second part of the rule requirement”. This is the part of the rule which was totally made up and falsified by SMITH FCC.

July 30, 2026 is the first communication claiming that use by NON Hams of the HAM Repeater DURING AN ACTIVE FIRE did not satisfy the requirements of Section 97.403.

The difference between the actual FCC Rule and SMITH FCC FAKE RULE 1 are obvious upon reading.

RULE 2 (Actual FCC Rule 97.403):

Section 97.403 version: “No provision of these rules prevents the use by an amateur station of any means of radio communication at its disposal to provide essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available.” (bold and underlining is emphasis to show differences created by SMITH FCC).

Comparison of SMITH FAKE RULE 1 with the Actual FCC Rule 97.403 follows.

Under SMITH FCC FAKE RULE 1 (used to claim violation): A non-licensed individual may use amateur radios to communicate ...only when NO OTHER FORM OF COMMUNICATION IS AVAILABLE

However, the actual **97.403** rule provides for use of

“any means of radio communication ...to provide essential communication needs ... when normal communication systems are not available.”

Under the SMITH FCC “FAKE “RULE 1” reasonableness (a standard used by FCC Legal Counsel – Exhibit I) is totally ignored. The Smith FCC FAKE “rule” would require you to exhaust every other means of communication because it requires that - “NO OTHER FORM OF COMMUNICATION IS AVAILABLE”. For Example, under the SMITH FCC FAKE RULE 1 you can’t alert everyone on the radio about a fire / wildfire because the following would be among the - “Other form of communication is available”:

1. use a bull horn to warn people
(note: prior SER testing in the Village for Evacuation planning (years ago) showed this was not effective for alerting).
2. yell to warn people.
3. run door to door and bang on each door and personally deliver the critical information about the fire.
4. look up the phone numbers of everyone in the area and then call them Individually.
5. type up and print out copies of flyers and hand them out to your neighbors.

If you applied SMITH FCC FAKE RULE 1 to the auto accident hypothetical (Exhibit I) the bleeding wife (non ham) would need to determine if anyone else had a working cell phone. She would have to go to any nearby houses to use their phone, and meet any other delusional requirements SMITH FCC could cook up after the fact to find violation.

In contrast, the Actual FCC Rule 97.403 incorporates a concept of reasonableness based upon the totality of the circumstances. It uses the phrase “essential communication needs”. SMITH FCC NEVER EVEN CONSIDERED THESE FOUNDATIONAL ELEMENTS IN FABRICATING HER FAKE RULE 1 AND FAKE RULE 3 (below).

The further arbitrary and capricious behavior of SMITH FCC is further shown by her making up another Fake Rule, #3.

SMITH FCC FAKE RULE 3. :

“there is no situation where the amateur rules would authorize unlicensed use.” (underlined emphasis added). (See Exhibit F, pages 2, 9).

“...an unlicensed individual may not operate an amateur radio under any circumstances. If they do so, they are in violation of the Communications Act and the Commission’s rules and subject to a possible enforcement action”. (underlined emphasis added) (See Exhibit F, page 2, 9, 11, 13).

SMITH FCC claims “We have been over this many times and the answer is not going to change.

SMITH FCC is in error. SMITH FCC has NOT discussed these matters, and we have not had any “conversation”. SMITH FCC merely issued her dictates and refused to discuss the law or facts, and she is pissed off that someone dared to disagree with her!

Further, SMITH FCC has not been asked to change her answer. On the contrary, SMITH FCC has already provided multiple “answers” (THE 3 “RULES” ABOVE) AND HAS REFUSED TO STATE WHICH OF THEM IS TO BE FOLLOWED. MOREOVER, SMITH FAKE RULE 1 CONTRADICTS SMITH FAKE RULE 3, AND BOTH OF THE SMITH FAKE RULES CONTRADICT THE ACTUAL FCC RULE 2. ALL OF SMITH FCC’S statements of the “rules” completely contradict each other!

Moreover, SMITH FCC was repeatedly asked to merely answer “yes” or “no” to the auto accident hypothetical. She has refused! This is important because FCC Legal Counsel previously provided the answer to this hypothetical 5 years ago when the FCC was then again claiming that exceptions allowing non-ham use of Ham Radio didn’t exist. The simple question asked of SMITH FCC was:

“Can a non-ham use a ham frequency in order to save human life in an emergency. For illustration, assume a Ham and his wife are driving and have an auto accident. The Ham operator (husband) dies on impact. The wife is going to bleed to death without immediate medical attention, but she is not a licensed Ham operator. The Ham radio is working and she can reach it. The cell phone has no reception. Issue: Can the wife use the Ham radio to call for help?

The answer is either: Yes, or No.”

In 2026, SMITH FCC has refused to answer the above simple hypothetical. Why? Because if she answered “Yes” it proves that her imaginary SMITH FAKE RULE 1 AND imaginary SMITH FAKE RULE 3 (BOTH OF WHICH WERE USED BY SMITH FCC TO CLAIM RULE VIOLATION) were fabrications and don’t exist! If she answered “No” then she is in direct conflict with the answer provided by FCC Acting Chief Counsel (See Exhibit I) and in direct conflict with actual FCC Rule 2.

Let this sink in. Under SMITH FCC FAKE RULE 3, the wife, who is going to bleed to death without immediate medical attention, is PROHIBITED FROM USING THE HAM RADIO TO SAVE HER LIFE. SMITH FCC HAS SENTENCED HER TO DEATH!

Exhibit I documents FCC Legal Counsel Response of 5 years ago showing that a non – licensed person can use Ham Radio in an emergency involving safety of life. The response also illuminates that the standard of reasonableness is to be used in evaluating the use of Ham Radio taking into account the circumstances. Further, a case by case evaluation is made of the circumstances; and a fact specific determination is made as to the existence of an emergency. Such further confirmed that the prior statements made by various persons at the FCC advising that “there is no provisions in the Rules that would allow unlicensed use in the amateur bands”, were erroneous and not correct.

SMITH FCC – OUT OF CONTROL, ARBITRARY, CAPRICIOUS, AND IMMORAL DICTATES.

The arbitrary and capricious actions of SMITH FCC is further shown by the fact that SMITH FCC first advised ZELIFF K6PDS that he was to “stop allowing non-licensed individuals to use your amateur radio repeater system” and advised that “ Should the FCC receive a complaint regarding this behavior after your receipt of this email, we will investigate and you may be subject to an enforcement action”. (emphasis added). (Exhibit F, page 22). SMITH FCC then in response to ZELIFF K6PDS HAVING PUT IN WRITING HIS DISAGREEMENT, escalated the allegations claiming “continued and willful violation” “... your continued allowing of non-licensed individuals to use your repeater system is in violation of our rules. You are now subject to a potential enforcement action due to your continued and willful violation of our rules”. (emphasis added) (Exhibit F, page 20).

The SMITH FCC claim of “continued and willful violation” is a fabrication and falsification of the record. In fact the SER Plan immediately followed the ILLEGAL, ARBITRARY. CAPRICIOUS AND IMMORAL DICTATES OF SMITH FCC. ZELIFF K6PDS CONTINUES TO PROTEST THESE ILLEGAL DICTATES OF SMITH FCC.

In addition to SMITH FCC’s DISHONESTY as to “continued and willful violation”, we must remember that SMITH FCC didn’t use the actual rule 97.403 to claim violation. Rather SMITH FCC used her own made up FAKE version which totally changed the wording and actual meaning of rule 97.403. She then bootstrapped the warning and falsely claimed K6PDS as “your continued and willful violation” from “you may be subject to an enforcement action.

SMITH FCC IS OUT OF CONTROL, DECEITFUL, AND DISHONEST AND SHOULD IMMEDIATELY BE FIRED.

A review of Actual Rule 97.403 and FCC Legal Counsel’s standards follow.

Let us turn to the criteria FCC Legal Counsel used to determine that the NON ham use of Ham Radio in the hypothetical automobile accident was lawful.

FCC Legal Counsel reviewed the use of the Ham Radio - “under the ... circumstances” and looked to whether such was “reasonable”. Further FCC Legal Counsel advised that each situation “would be viewed on a case by case basis; and situations may be subject to a “fact specific investigation to determine if it was an emergency”. (Exhibit I, page 1).

Let’s look at the Facts and “Circumstances” and “Essential Communication Needs” as set forth in rule Rule 97.403.

The terminology of Actual Rule 97.403 necessarily takes into account the facts and circumstance at the time and what would be essential communication needs in those circumstances. Accordingly, “essential communication needs” for an auto accident may be different from the “essential communication needs” for a fire / wildfire. You may not have a cell phone and need to report an accident involving a serious injury.

You only need the Ham relay to facilitate contacting 911. Thus, a brief one time use of the radio may be essential for that relay.

On the other hand during a fire / wildfire, you may need to have a 911 relay call to get the fire department rolling AND additionally, require radio communications to get the information out to AS MANY PEOPLE AS POSSIBLE about the fire for the “immediate safety of human life and immediate protection of property”. The 911 relay call in that instance is not sufficient. The fire may be torching, near trees, spreading into vegetation, embers are flying and landing at other properties and igniting additional fires, there may be high winds and what is the direction the wind is blowing from, etc... . In that case, the “essential communication needs” extend far beyond just calling 911.

Now, let’s turn to “Essential Communication Needs” in relation to ... “When normal communication systems are not available” as set forth in Rule 97.403.

The actual rule 97.403 uses the phrase “when normal communication systems are not available”. As discussed above, during a wildfire it is “essential” to get information out for the “immediate safety of human life and immediate protection of property” – for a whole community.

By the very nature of a fire / wildfire “normal” communication systems are factually unavailable due to the factual nature of the “essential communication needs”. A fire / wildfire is not “normal”. To impose and mandate use of communication systems designed for “normal” conditions is not reasonable.

Normal conditions don’t involve a fire that can spread rapidly and kill many people. You don’t have time to call your neighbors one by one. Further, you don’t have every ones contact number in your own neighborhood much less other areas; and you don’t know whether the cell phones are working, whether landlines are working, whether the internet is working, etc... . Further, all of such systems may be totally out for everybody, or they may be out for only a portion of the neighborhood, or only for the residences which are burning. The fact is you don’t know and what was “normal” before the fire is a total unknown and at risk of collapse. In the subject fire, the electricity was out for the area near the fire. The issue immediately presented at that time was - what is the condition for the rest of the neighborhood with 400 homes. Do they have power at the North end of the Village? A radio call was made and within a few seconds the answer was received and everybody on frequency could hear it.

ZELIFF K6PDS is the only Ham who can coordinate MURS CH 9 AND THE HAM REPEATERS. THE OTHER HAMS WERE SIMPLY OUT OF RANGE OF MURS CH 9 (AND MAY NOT EVEN BE AVAILABLE).

So, we have a situation where the prior President of the Local Ham Club used the FCC FRAUD RULE, and local Ham boycott, etc..., to destroy the Ham Backbone of the emergency communications plan. He then interfered with the MURS Backbone Plan. SMITH FCC previously refused to give any assistance to intentional and illegal interference with the dedicated Emergency Communications Repeater. And now we have SMITH FCC making up fake rules and refusing to state which of her rules are to be followed (i.e., which of her 2 Fake rules are to be followed or is the actual FCC rule to be followed). She further refuses to answer the simple Automobile Accident hypothetical. (Exhibit F, pages 1, 2, 3, 4, 6, 7,8, 9, 10, 16, 19).

We only have 3 local hams that participate in the SER PLAN. A 4TH Ham (elderly) and his wife have not been available due to his life threatening medical condition (life flight). The other 2 hams

are located to the East of the Village and neither of them can communicate on the Murs Frequency (Ch 9) due to terrain. Another Ham in Redding (about 26 miles West) periodically helps out, but Murs Ch 9 communications will not be able to be coordinated with Ham Repeaters from his location.

IMPACT ON WIDFIRE EVACUATION PLAN - PARALYZED.

SMITH FCC HAS ADVISED as to Non Hams Using Ham Frequencies (including dedicated Emergency Ham Repeaters):

“there is no situation where the amateur rules would authorize unlicensed use.” (underlined emphasis added). (See Exhibit F, pages 2, 9)

“...an unlicensed individual may not operate an amateur radio under any circumstances. If they do so, they are in violation of the Communications Act and the Commission’s rules and subject to a possible enforcement action”. (underlined emphasis added) (See Exhibit F, pages 2, 9, 11, 13).

Shingletown Emergency Radio has as part of its existing and operating Emergency Radio Plan, a Mobile Radio Evacuation Procedure for wildfire evacuation (Hams and Non Hams). (Exhibit B).

The California Governor’s Office of Emergency Services issued a “White Paper”. (Exhibit C), which advises, in part:

“... the State of California has experienced unprecedented all hazard incidents. All of these disasters share commonalities with large scale mutual aid responses, as well as large scale public evacuations...”

The White Paper also defines an Evacuation Order as follows:

“Evacuation Order: Immediate threat to life. This is a lawful order to leave now. The area is lawfully closed to public access”.

Under the SMITH FCC unlawful dictate (SMITH FAKE RULE 3) Non Hams are prohibited from using such procedure. When evacuating, a non Ham may be the only person that knows vital information about a road being used to evacuate. Possibly that road is blocked by burning cars, fallen trees and people need to know that they should not use this road. Imagine a long line of vehicles fleeing a raging wildfire on a narrow road (e.g., Wilson Hill Rd.). Without this vital life saving information 30, 40 or more cars may become trapped on that narrow road. Result: people are trapped in vehicles and burn to death. SMITH FCC and FCC FRAUD FORBIDS NON HAMS from transmitting this life saving information under threat of enforcement action.

SMITH FCC – DERELICTION OF DUTY.

SMITH FCC IS TAKING ACTION TO SHUT DOWN AN OPERATING EMERGENCY COMMUNICATION PLAN.

However, she has done nothing about the intentional interference ongoing for years against the Coordinated Ham Repeater dedicated to Emergency communications. Actual violations of FCC Rules by person keying the Emergency Communications Repeater at all hours of the day and night were totally ignored by SMITH FCC. She willfully allowed such to take place with the result of almost totally destroying the SER Plan. People turn off their radios when they are needlessly awakened at all hours of the night. But, SMITH FCC didn't have time to deal with some "remote" repeater. (Exhibit G).

But now, SMITH FCC is killing the only Plan in Shingeltown that is specifically designed for Wildfires and which provides a plan for providing life saving notice. Wildfire Evacuation Communications and serious matters dealing with life and death are at issue. This Plan (Ham and Non Ham) does not interfere with anyone! But this is who SMITH FCC targets for destruction.

As a result of the above arbitrary, capricious and illegal dictates, the Shingeltown Emergency Communication Plan has been all but destroyed. WE ARE IN ACTIVE FIRE SEASSON. One need only read the news to see the huge number of Wild Fires in the West (and other locations).

REAL WORLD DECISION TIME WHEN CAL FIRE EMERGENCY WILDFIRE TONE OUT IS MADE AND/OR EVACUATION ORDER ISSUED BY SHERIFF.

 A reality check by someone in a position of authority with common sense, a moral compass and mental ability is immediately required.

UNDER THE EXISTING SMITH FCC DICTATE (WHICH IS IN VIOLATION OF FCC RULES), THE CONTROL OPERATOR (K6PDS) OF THE REPEATER SYSTEM IS NOW FORCED TO DECIDE RELATIVE TO ANY LIFE SAVING EMERGENCY COMMUNICATION OR 911 RELAY REQUEST BY A NON HAM TO EITHER:

1. TURN OFF THE REPEATER & BLOCK THE EMERGENCY CALL (involving immediate safety of human life, immediate protection of property...) (and thus continue adhering to the SMITH FCC unlawful and immoral dictates) ; or
2. HANDLE THE CALL PERSONALLY OR ALLOW OTHERS TO HANDLE THE EMERGENCY CALL (involving immediate safety of human life, immediate protection of property...) AND IN EITHER CASE FACE THREATENED ENFORCEMENT ACTION (MASSIVE FINES, FOREFEITURE, LOSS OF LICENSE, etc...).

Remember that The SMITH FCC UNLAWFUL DICTATE (SMITH FAKE RULE 3) IS:

“there is no situation where the amateur rules would authorize unlicensed use.” (See Exhibit F, pages 2, 9)

“...an unlicensed individual may not operate an amateur radio under any circumstances. If they do so, they are in violation of the Communications Act and the Commission’s rules and subject to a possible enforcement action”. (See Exhibit F, pages 2, 9, 11, 13).

Smith FCC has also stated here FAKE RULE 3 AS: “ There is no circumstance under which an unlicensed individual may use an amateur radio frequency...” (Exhibit F, pages 7, 13).

For a moment we need to reflect on application of the SMITH FCC unlawful dictate and see how it applies to emergency situations. For each you are to assume all of the requirements of the actual FCC regulations are satisfied (e.g., emergency, essential communication needs, immediate safety of human life ... and immediate protection of property ... normal communication systems are not available etc...) for the emergencies set forth below. Thus, the only obstacle to saving life is whether the SMITH FCC illegal dictate (SMITH FAKE RULE 3) is allowed to stand even though it is in violation of actual FCC Rules.

THUS, IN EACH OF THE BELOW SITUATIONS, ASK YOURSELF:

DO I ACT TO SAVE A LIFE AND RISK ENFORCEMENT ACTION (MASSIVE FINES, FORFEITURE, LOSS OF LICENSE ...) BY SMITH FCC? OR

DO I JUST IGNORE THE EMERGENCY AND LET PEOPLE DIE?

FOR EACH, THE QUESTION IS - WHAT WOULD YOU DO? The “control operator” is the person who controls the Ham Repeater and can turn it “off” or “on”. In each of the following situations, SMITH FCC has ordered the Control Operator to turn off the repeater. Would you follow that order if you were the Control Operator?

Situation A. A Non Ham Radios in on a Repeater to transmit the following traffic: need 911 relay. Fire at mileage marker 22.6 Highway 44. Wind out of South, blowing fire into vegetation and trees.

Does the Control Operator allow the 911 relay call to be handled, or turn off the repeater?

SMITH FCC unlawful dictate: since the Non Ham doesn’t have an FCC call sign THE CONTROL OPERATOR MUST TURN OFF THE REPEATER AND BLOCK THE TRAFFIC.

Situation B. A Non Ham Radios in on a Repeater to transmit the following traffic: overturned vehicle on highway 44, mileage marker 36.7 occupants trapped inside, vehicle on fire.

Does the Control Operator allow the 911 relay call to be handled, or turn off the repeater?

SMITH FCC unlawful dictate: since the Non Ham doesn't have an FCC call sign, THE CONTROL OPERATOR MUST TURN OFF THE REPEATER AND BLOCK THE TRAFFIC.

Situation C. A Non Ham Radios in on a Repeater to transmit the following traffic: Wife is having a heart attack, request 911 relay.

Does the Control Operator allow the 911 relay call to be handled, or turn off the repeater?

SMITH FCC unlawful dictate: since the Non Ham doesn't have an FCC call sign THE CONTROL OPERATOR MUST TURN OFF THE REPEATER AND BLOCK THE TRAFFIC.

Situation D. A Non Ham Radios in on a Repeater to transmit the following traffic: active shooter on highway 44. 3 people shot. Need 911 relay and medical.

Does the Control Operator handle the traffic and do a 911 relay, or turn off the repeater?

SMITH FCC unlawful dictate: since the Non Ham doesn't have an FCC call sign THE CONTROL OPERATOR MUST TURN OFF THE REPEATER AND BLOCK THE TRAFFIC.

Situation E. A Non Ham Radios in on a Repeater to transmit the following traffic: house fire at XXX Thumper, flames torching into trees, spread to vegetation. People trapped inside. Need 911 relay. Need to advise neighbors.

Does the Control Operator handle the traffic and do a 911 relay ... , or turn off the repeater?

SMITH FCC unlawful dictate: since the Non Ham doesn't have an FCC call sign THE CONTROL OPERATOR MUST TURN OFF THE REPEATER AND BLOCK THE TRAFFIC.

Situation F. A HAM radios into a Repeater for a 911 relay for his wife who has fallen on chain saw with severe lacerations, and is bleeding out. The only person who hears the call is a NON HAM who is monitoring the repeater. No location yet given.

Does the Non Ham handle the traffic or ignore ?

SMITH FCC unlawful dictate: since the Non Ham doesn't have an FCC call sign THE NON HAM CAN'T USE THE REPEATER.

Situation G.

“Can a non-ham use a ham frequency in order to save human life in an emergency. For illustration, assume a Ham and his wife are driving and have an auto accident. The Ham operator (husband) dies on impact. The wife is going to bleed to death without immediate medical attention, but she is not a licensed Ham operator. The Ham radio is working and she can reach it. The cell phone has no reception. Issue: Can the wife use the Ham radio to call for help?
Yes or No.

SMITH FCC unlawful dictate: since the Non Ham doesn't have an FCC call sign THE NON HAM CAN'T USE THE REPEATER.

You will observe that Situation G was presented to SMITH FCC and she REFUSED TO ANSWER THE QUESTION! (Exhibit F, Pages 1, 2, 3, 4, 6).

This is important because this exact hypothetical was answered by FCC LEGAL COUNSEL following exhaustive abuse by the FCC in 2020 and 2021. This followed the ZELIFF K6PDS REQUEST FOR “ISSUE DECISION/CLARIFICATION” as to use of Non Hams during a Fire Net, (See Exhibit M)). This “Clarification” was requested due to the false statements being made by WALKER W6IO as to use of Non Hams during a Fire Net being illegal when there are no other Hams to assist. WALKER'S statements and actions were destroying the SER Plan. Rather than any honest clarification or even discussion, the FCC lied and falsely denied even the existence of its own rules and regulations, and refused to even read them over the phone (Exhibit J, K, L). ZELIFF K6PDS was told to go see his Congressman, which he did. So today, in 2026, the FCC is again doing the same thing they did over 5 years ago.

The FCC subjected ZELIFF K6PDS to continual obfuscation, administrative deceit, refusal to acknowledge the existence of their own FCC regulations, and refused to even read those rules over the telephone. (Exhibit J, page 3). ZELIFF K6PDS had to get a Congressman involved and the FCC subjected even him to false statements, deceptions, ignoring him, evasive tactics and lies. (Exhibit H, Exhibit J, page 2) cover pages e-mail to Congressman Doug LaMalfa).

In desperation ZELIFF K6PDS narrowed the issue down to a real simple issue so as get the FCC to at least acknowledge the existence of its own Rules. That narrow issue was as stated in Situation G, above. The answer of FCC Legal Counsel has already been set forth herein and it acknowledged, after 7 months, that a non Ham could use a ham frequency for an emergency.

Thus, it was finally acknowledged by the FCC, after over 7 months, that a non ham could use a ham frequency for an emergency.

However, one must recall that back in 2021, before the involvement of FCC legal counsel,

The FCC has falsely claimed that - "...Simply put, we recognize the important role that amateur operators play in emergency communications; however, there is no provision in the Rules that would allow unlicensed use in the amateur bands" (emphasis added). However, the FCC provides no legal authority for its false statement. To compound the situation, the FCC has refused to discuss the law or its own regulations.
(SEE EXHIBIT L , PAGE 2).

ANY REASONABLE NORMAL PERSON WILL RECOGNIZE THAT EACH OF THE ABOVE EMERGENCY TRAFFIC SITUATIONS (A through G) MUST BE HANDLED. SMITH FCC IS VIOLATING ACTUAL FCC RULES.

CALIFORNIA CRIMINAL EXPOSURE – interrupting Emergency Communication.

It further appears that if, for example, a Control Operator of a Ham repeater, interrupts or turns off the repeater just because the person dealing with an emergency is not a Ham and states for example, "you are not allowed to be on my repeater", California Penal Code Section 653t may result in criminal exposure. In this regard, PC 653.t provides, in part:

“(a) A person commits a public offense if the person knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over an amateur or a citizen’s band radio frequency, the purpose of which communication is to inform or inquire about an emergency.

(b) For purposes of this section, “emergency” means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury, in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of extensive damage or destruction, or in which that injury or destruction has occurred and the person transmitting is attempting to summon assistance.” (emphasis added).

Violation is a misdemeanor; unless a result of the commission of the offense, serious bodily injury or property loss in excess of ten thousand dollars (\$10,000) occurs, in which event the offense is a felony.

The statute references a communication over an amateur radio frequency and extends to protecting even Non Ham communications over such frequency informing or making inquiry about an emergency.

The current state of affairs can’t continue. We are in a state of high fire danger and lives are at risk. Due to the illegal actions of SMITH FCC THE EMERGENCY RADIO PLAN IS PARALYZED. IN A WILDFIRE EMERGENCY, WILDFIRE EVACUATION, etc..., WE ARE NOW FACED WITH THE FOLLOWING:

(1) provide no warning or communications and allow our families and others to potentially die; or

(2) disregard the illegal, arbitrary, capricious, and immoral dictates of SMITH FCC and communicate to save life and then (after your house is burned down, etc...) face the wrath of TYRANT SMITH FCC as she arbitrarily and capriciously uses the force of the U.S. Government to bludgeon any survivors with death by financial ruin.

No one at the FCC is making any attempt to resolve the immoral and illegal actions of SMITH FCC. We have an effective emergency communications plan purposed to save life during Wildfires, Wildfire evacuations and other immediate safety of live emergencies. However, we are illegally and immorally being mandated to not use it and allow people to die.

A Wildfire can strike at any second. Each time the Cal Fire radio tones out, the stress is compounded. This risk of death and being trapped by a wildfire is clear and present. This matter has further eroded the Emergency Communications Plan, and now a question is - how many volunteers will stop participating out of fear of TYRANT SMITH FCC?

Additional legal support showing violations of both statute and FCC rules by SMITH FCC are set forth below. This information , with more citations, was previously submitted to the FCC back in February, 2021 (Exhibit L, pages 4 through 7)); and July, 2021 (Exhibit J, pages 6 and pages 8 through 11).

47 U.S. Code Section 151- states the following:

“Purposes of chapter: Federal Communications Commission created

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, a rapid, efficient, Nation-wide, ... radio communication service **for the purpose of promoting safety of life and property** through the use of wire and radio communications, ... there is created a commission to be known as the “Federal Communications Commission”, (emphasis added).

One will notice that the FCC was created for the purpose of “promoting safety of life and property” for “all the people of the United States”. The FCC was not created to merely protect the life and safety of “licensed Ham operators”.

Title 47, Chapter I, Subchapter D ,Part 97 of the Code of Federal Regulations provides as follows: Section §97.1 Basis and purpose.

“The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service **to the public** as a voluntary noncommercial communication service, **particularly with respect to providing emergency communications. ...** (emphasis added).

11. Further, §97.111 (a)(3) Authorized transmissions, provides:

“(a) An amateur station may transmit the following types of two-way communications: ...(3) **Transmissions necessary to exchange messages with a station in another FCC regulated service while providing emergency communications;...**” (emphasis added).

Further, §97.403 Provides: “Safety of life and protection of property. **No provision of these rules prevents the use by an amateur station of any means of radio communication at its disposal to provide essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available.**” (emphasis added). ...

Further, the FCC regulations provide that: “At all times and **on all frequencies**, each control operator **must give priority to stations providing emergency communications**”. (emphasis added).

17. In addition to the above, the ARRL’S general class Ham Radio Q & A text, used by those persons preparing for the FCC General Class Ham Radio License Test (Fourth Edition) states:

“G2B11 What frequency should be used to send a distress call?

- A. Whatever frequency has the best chance of communicating the distress message
- ...
- C. Only frequencies that are within your operating privileges ...”

In the explanation as to why “A” is correct the Text states:

“When normal communications are not available and the immediate safety of human life or protection of property is involved, all of the normal rules for an amateur station are suspended so that you can obtain assistance. **This means that any method of communication, on any frequency**, and at any power output, **may be used to communicate and resolve the emergency.** It doesn’t matter if the distress is personal to the station or a general disaster. Just be sure you have a real emergency!” [citing FCC 97.405] (emphasis added).

“G2B12 When is an amateur station allowed to use any means at its disposal to assist another station in distress?

- A. Only when transmitting in RACES
- B. At any time when transmitting in an organized net
- C. At any time during an actual emergency
- D. Only on authorized HF frequencies”

In the explanation as to why “C” is correct the Text states:

“No FCC rule prevents an amateur station from using any means of radio communications at its disposal to assist a station in distress.”
[citing FCC 97.405(b)] (emphasis added).

“G2B02 What is the first thing you should do if you are communicating with another amateur station and hear a station in distress break in?

- A. Continue your communication because you were on frequency first
- B. Acknowledge the station in distress and determine what assistance may be needed
- C. Change to a different frequency
- D. Immediately cease all transmissions

In the explanation as to why “B” is correct the Text states:

“(B) Whenever you hear a station in distress (where there is immediate threat to human life or property), you should take whatever action is necessary to determine what assistance that station needs and attempt to provide it. Don’t assume that some other station will handle the emergency; you may be the only station receiving the distress signal. If you do hear a station in distress, the first thing you should do is to acknowledge that you heard the station, and then ask the operator where they are located and what assistance they need”.
(emphasis added).

SAVING CALIFORNIA HAM MOUNTAIN TOP REPEATERS FROM REMOVAL BECAUSE - VITAL TO EMERGENCY COMMUNICATIONS.

Almost Seven years ago (September, 2019) 70 Ham Repeaters were being removed from California Mountain Tops because as to Ham radio

“there is no longer the same benefit to State as previously provided”. (See Exhibit O, page 11).

ZELIFF K6PDS was the only Attorney in California to argue against this removal. ARRL was absent and did nothing to help. After substantial work, the removal was stopped. The saving of the Repeaters was based upon the benefit of such Ham Repeaters to Emergency Communications, Community Safety and Wild Fire Threat. The work being

done by Shingletown Emergency Radio was extensively referenced in this argument for saving the Ham Repeaters.

That effort was stopped with resolution (12/16/2019) that:

“There are zero plans to remove any of the repeaters from CAL FIRE vaults and there will be no rent charges. Ham radio is to be part of, wrapped into, the larger CAL FIRE communications network. ... Ham radio is staying.” (Exhibit N).

Thank you Cal Fire and all those who provided assistance at that time.

Now seven year later, with SMITH FCC FRAUD AND FAKE RULES, there is a critical question having National impact:

Is Ham radio of any benefit for the safety of any community in the United States, or is it just play time for self anointed elite snobs using safety as a marketing tool to join their local Ham Club.

Hopefully, those in positions of authority with common sense will step in VERY quickly. Lives are at risk!

Thank you.

Very truly yours,

A. Nathan Zelif
Attorney at Law

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