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December 17, 2020

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VIA FAX: ~~1-717-338-2840~~

PLEASE PROVIDE RESOLUTION AS SOON AS POSSIBLE

FCC

Attention: Allison, FCC Supervisor

RE: USE BY NON HAMs OF A HAM FREQUENCY DURING AN EMERGENCY FIRE
NET TO FACILITATE EMERGENCY FIRE NET OPERATIONS

SHINGLETOWN EMERGENCY RADIO PLAN
FCC CASE NUMBER: 819903

Dear Allison:

Thank you for returning my telephone call. I enjoyed speaking with you. This is being faxed to your Fax number as per our conversation. It is my understanding that you may be referring this matter to FCC legal counsel. If they, or anyone else, requires further information, please call me at 530-474-3267.

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?

10/16

Exhibit M, P 1 of 18

As a preliminary matter, it should be noted that the Shingletown Emergency Radio Plan (SER) was designed by Nathan Zelif, Attorney at Law. The local Ham Club did not design the SER Plan and has no control or direction over the SER Plan. Nathan Zelif is the sole Director of the SER Plan. The Local Ham Club (STARC) has members who have been actively helping out with the SER Plan as participants. Their participation has been very beneficial to Shingletown. However, recent actions of the Club President (DAR WALKER W6IO, who is also a Volunteer Examiner) and certain members of the local ham club (Starc), have now caused most members of the club to abandon and/or boycott the SER Plan, and most recently boycott providing any radio assistance during an active Shingletown fire.

The Shingletown Emergency Radio (SER) Policy on using Non Hams during emergency situations is attached as Exh. 1.

This matter has now come to an explosive head, because the Volunteer Examiner (DAR WALKER, W6IO) has broadcast over Ham Frequencies that the above referenced use during an emergency FIRE NET was, and is, illegal; that such violates FCC RULES; and that anyone involved with such a situation can face massive fines from the FCC. Dar Walker, President of the local Ham club has advised that the club repeater can't be used by non hams – no exception stated for emergencies. Mr. Walker's position was and is a reversal of the local Ham club's prior "in fact use policy" of allowing non hams to use the club repeater for emergencies. In fact such emergency policy was even practiced using a Ham simulating being a Non Ham (but still giving their call sign) for emergency traffic in order to illustrate the potential emergency use procedures for non hams. . But DAR WALKER capriciously changed this right after the FIRE NET (discussed below). The DAR WALKER "position" has been joined in by yet another Volunteer Examiner who has also now advised that non hams can't use non ham frequencies. That Volunteer Examiner has never assisted in any Shingletown FIRE NETS, and doesn't even live in the Shingletown Area.

BACKGROUND:

The SER Plan has multiple aspects. For instance there is the Situation Reporting and Brevity Fire Watch Reporting system. Additionally, there is the FIRE NET system for active wildland fires.

It has taken over 5 years and over 1,500 hours of my time to build the Shingletown Emergency Plan (SER Plan). The plan covers in excess of 100 to 150 square miles.

SITUATION REPORTING AND BREVITY FIRE WATCH REPORTING SYSTEM:

Under the SER Plan, individual neighborhoods (who desire to participate) are allocated frequencies so that they can conduct Neighborhood Nets on Non Ham Frequencies. Then, such Neighborhood reports (using a specially designed system which provides the status of each Neighborhoods ability to: call 911, status of PG&E Power, status of internet, Level of Earthquake activity, and much more), are transmitted into the Activated Ham Net (via Licensed Hams) and mapped for each Neighborhood reporting in and by Divisions of Shingletown. Overall situational awareness is thus provided for all areas. Triangulation is concurrently done as to all Fire Watch Reports (smoke, embers, smell of smoke, etc...) and/or triangulation on smoke columns to locate source of the smoke (by lat / long and/or Township, Range and Section). All of the reports are

summarized and Net Control makes recommendations. Additionally, during this process, emergency traffic handling is done, medical emergency with no ability to call 911. At any one time there are approximately 12 (or more) separate radio NETS (neighborhood and Ham) ALL BEING CONDUCTED AT THE SAME TIME, and not interfering with each other. All nets are coordinated. Under the SER Plan all of the above is completed within an average of 30 to 35 minutes from initial activation (Toning). Weekly SER practice nets are conducted (activating Ham and all Non Ham Neighborhood Ch#1).

SER PLAN - FIRE NET SYSTEM:

IN ADDITION TO THE ABOVE, the SER Plan also conducts **FIRE NETS** for active forest fires. Again, specific procedures are used. See discussion which follows.

This is merely a brief overview of the SER Plan. A lieutenant with the Sheriffs Office of Emergency Services has reviewed the SER Plan and advised that it is "very robust".

SER PLAN IN JEOPARDY – DAR WALKER ATTACK:

All of this Planning is being placed in immediate jeopardy by DAR WALKER (W6IO), DAR WALKER "follower Hams", and another Volunteer Examiner who have caused Hams and Non Hams to abandon the SER Plan out of fear of massive fines by the FCC. DAR WALKER is the Volunteer Examiner who initiated this attack. Dar Walker is using the issue presented herein as the basis for destroying the SER Plan and setting up something else with the local ham club, for which he is the President. This is most likely to cause massive confusion and interference with an established emergency communications plan during future wild land fires. However, such is not the immediate issue for resolution at this time.

USE OF A NON HAM DURING ACTIVATED EMERGENCY FIRE NET - FACTS:

During October, 2020, the SER Plan activated a FIRE NET. This was a full activation, meaning all neighborhood nets were activated and advised to monitor the FIRE NET on the designated HAM repeater frequency, and activate their own non ham nets on Each Neighborhoods Emergency "Ch 1" (each Ch 1 is a neighborhood's EMERGENCY allocated non ham frequency).

When the subject FIRE NET started, there was one fire on the Westerly side of Shingletown. I (K6PDS) was FIRE CONTROL (which is Net Control for a SER FIRE NET). During a FIRE NET, there are many different tasks that may be necessary. These tasks are pre-defined and many are specifically related to links on a web page (which can be accessed from anywhere). Of course, this requires Multiple Ham operators. Thus, the FIRE NET infrastructure may include: "Fire Control" who is Net Control for a FIRE NET; "Flight Radar" which is the pre-defined Tactical for the station monitoring from the website aircraft activity over a fire (e.g., spotters, helicopters, bombers dropping retardant on fire, etc...). These Tacticals are at this web page link. <http://www.shastadefense.com/SER-Incident-Resources-Information.htm> . In the event Shingletown did not have internet, the SER Plan is designed to use any Ham station with Internet to provide the necessary reporting information into the Net from his/her location (for example, even if 40+ miles away). In an emergency, with No Hams available to fill the position, the SER

Plan is set up to use any Non Ham that will provide the fact reporting as required. Such resort is presumed to be rare and of last resort. If a Ham became available, the Non Ham would be deactivate as soon as practicable.

During this particular FIRE NET, Shingletown was already on alert for High Winds, High Fire Danger, and had notice that there would be a PG&E Power Safety Shut Off planned due to the high fire danger.

A Shingletown Fire was toned out on Cal Fire and the SER FIRE NET was activated. Tacticals (net infrastructure) were set up – based upon stations who were on frequency). The concept is that – those who are on frequency matter. Those who are not on frequency are irrelevant. So, there is no wasting time with a net “roll call”.

During this particular FIRE NET, Tacticals were activated, which included (based on Ham stations on frequency and who were monitoring at the time of activation):

- FIRE CONTROL: Net Control for a FIRE NET. K6PDS - NATHAN ZELIFF.

- TRIANGULATION: DOES PHYSICAL MAPPING ON A LARGE MAP, SHOWING THE THE LOCATION AND PROGRESS OF FIRES USING TOWNSHIP, RANGE, SECTION AND LAT/LONG. WIND AND DIRECTION ARE ALSO PLOTTED;AND ESTIMATED DISTANCES FROM NEIGHBORHOODS ARE ALSO PLOTTED) (K6PDS).

- AREA COORDINATOR (VILLAGE); Non Ham Ch 1 Emergency Frequency for the Village Neighborhood (K6PDS). Other Area Coordinators also on frequency for their neighborhoods.

Plus, the following Tacticals, each being a different Ham Operator at various times during the FIRE NET:

- CAL FIRE MONITOR: MONITORING CAL FIRE DISPATCH FREQUENCY. W6IO – DAR WALKER.

- FLIGHT RADAR: Monitoring aircraft traffic to/ from fire locations and type of aircraft (e.g., helicopter, bomber, etc...) - Another Ham operator.

- INKS RIDGE CAMERA: monitoring the Inks Ridge Cal Fire Camera - Another Ham operator.

- WILSON CAMERA: monitoring the Wilson Hill Cal Fire Camera -. Same operator as above.

- CAL FIRE TAC 9 MONITOR: monitoring the Cal Fire Frequency for the wild land fire burning on the East side of Shingletown - Another Ham operator.

- CAL FIRE TAC 11 MONITOR: monitoring the Cal Fire Frequency for the wild land fire burning on the West side of Shingletown - Another Ham operator.

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-INTERNET WINDS: Monitoring the winds speed and direction over the fire(s) - Another Ham operator.

Each of the above Tacticals is performing a specific task and provides periodic reports into the FIRE NET as requested by FIRE CONTROL. The FIRE NET can thus be viewed as a wagon wheel where reports are transmitted into the Hub.

FIRST FIRE – EAST OF SHINGLETOWN:

As the FIRE NET continued, periodic reports were made by each of the above stations to FIRE CONTROL, who recorded the information and provided periodic summaries over the HAM NET FREQUENCY FOR ALL NEIGHBORHOODS TO COPY (i.e., everybody can turn their radios to the Ham Frequency Channel and obtain real time facts and information). Also, AREA COORDINATOR HAMS are to relay into their Neighborhood Nets on each Neighborhoods Ch 1 for persons who can't hear the FIRE NET repeater. This could be due to a stations location. Based upon the reports and situation, FIRE CONTROL, will make changes to net operations, and may make appropriate recommendations. This is a dynamic and real time net procedure. It is to help Shingletown residents know, in this case, the status of fires.

SECOND FIRE – WEST OF SHINGLETOWN:

To compound the existing FIRE NET situation, a second Shingletown Wildland fire was reported by Cal Fire during Net Operations. This one was at the other end of Shingletown (East side). Cal Fire assigned another Tactical frequency for that fire (TAC 9). FIRE CONTROL requested any Ham station to assist. A Ham responded that she would be take the position. She became TAC 9 Monitor. However, she latter responded that she couldn't hear the Cal Fire Ground crews due to location issues. Her husband (also a licensed Ham) was not at home, and he was more familiar with how to use the equipment and antenna use. The husband was mobile, heading to his home (East Bound on highway 44). While mobile, FIRE CONTROL obtained reports from this Ham. As he approached his neighborhood, it was decided that this mobile station would continue to his home and act as TAC 9 monitor (so reports could be monitored from Cal Fire ground teams). This was in lieu of that station going to a pre-designated lookout location to view the Fire to the East of Shingletown. Radio operator assets are always in short supply, so needed to make the best use of those available. Upon arriving home, this station operator (Ham) then successfully acted as TAC 9 Monitor, and provided information concerning the East End fire into the FIRE NET. The Cal Fire ground command had apparently changed location which also facilitated this monitoring.

INTERNET PROBLEMS (offline) AND CHANGING STATION OPERATORS:

As the FIRE Net Progressed, INTERNET WIND, reported that his internet just went down. FIRE CONTROL had another STATION take over that tactical position. Thereafter, the Station monitoring CAMERAS (with views of the fires), advised that he needed to step away for approximately one-half hour. FIRE CONTROL had another station step in to fill the Tactical position. The FIRE NET continued seamlessly.

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PG & E SHUTS OFF POWER TO ALL OF SHINGLETOWN DURING WILDFIRES:

Next, as if enough was not already taking place, PG&E shut off the power to all of Shingletown. The FIRE NET was now instantly being run totally on battery and back up power (which is part of the SER Plan). Having pre-planned for this potential, the FIRE NET continued seamlessly. Tacticals continued reporting, and TRIANGULATION continued mapping each fires status, location, wind direction and speed on the Map 36" X 36".

FIRE CONTROL continued requesting periodic reports from each tactical, while mapping the Fire Locations, keeping notes, and approximately every 10 minutes providing a bullet point summary of the situation for anyone listening to the FIRE NET. FIRE CONTROL, was at the time performing multiple tasks: FIRE CONTROL, TRIANGULATION, and AREA COODINATOR (Non Ham frequency) during this time, and was working 3 different radios each on specific frequencies.

LACK OF HAM OPERATORS TO FILL CAL FIRE MONITOR TACTICAL - USE OF A NON HAM ON THE FIRE NET HAM FREQUENCY:

At one point, FIRE CONTROL requested a report from CAL FIRE MONITOR (which was DAR WALKER, W6IO). There was no response. Several more requests were made, but CAL FIRE MONITOR did not respond. FIRE CONTROL then requested any station to act as CAL FIRE MONITOR. There was not response, since all of the Hams were already busy. There is only so much any particular station can handle effectively. Then, FIRE CONTROL called out on frequency ... I need a CAL FIRE MONITOR ANY HAM STATION. Again, no response. FINALLY FIRE CONTROL CALLED OUT - I NEED A CAL FIRE MONITOR TO MONITOR CH 20 - ANY STATION HAM OR NON HAM, I NEED SOME HELP HERE.... NO RESPOSE.

FINALLY, FIRE CONTROL CALLED ON A NON HAM IN THE VILLAGE (who was monitoring Cal Fire Dispatch and the FIRE NET frequency) and said - you are CAL FIRE MONITOR - YOUR TACTICAL IS "VILLAGE". WHEN I REQUEST A REPORT, PLEASE PROVIDE IT INTO THE HAM NET. THE NON HAM SAID OKAY.

Thereafter, FIRE CONTROL called on "VILLAGE" to give a report on CAL FIRE, the non ham came back giving a brief approximate 4 second or less report as to what the actual report was on CAL FIRE DISPACTCH. Shortly thereafter, DAR WALKER (W6IO) came back on frequency advising he was "CAL FIRE MONITOR - nothing to report". However, W6IO gave a false report. This "NOTHING TO REPORT" was in fact a bogus report, made up to hide the fact that DAR WALKER HAD ABANDONED HIS POSITION DURING A FIRE NET and was not actually monitoring. DAR WALKER advised, on the next day, that he had left the radio to talk on the phone about selling radio equipment.

During the FIRE NET, the actions of DAR WALKER, were ignored. Although DAR WALKER could have merely stated that he was distracted and didn't hear Cal Fire, FIRE CONTROL ignored the bogus report. It was irrelevant to me as FIRE CONTROL because the situation was fixed. The important mission was the active wildland fires, one at each end of Shingletown.

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FIRE NET DEACTIVATE – A GREAT JOB AND WELL DONE:

When the two fires were contained, the FIRE NET was deactivated. It was an excellent FIRE NET and ran very smoothly (including, the transitioning between stations performing different Tactical tasks).

The issue of DAR WALKER abandoning his position and making a bogus report would not have been brought up or discussed. At the time, I was not that concerned because I had assumed that his radio stopped working, so my goal was to just fix the situation and keep the FIRE NET operating.

However, it was after the FIRE NET that DAR WALKER has caused the issue to be ignited.

AFTER THE FIRE NET – DAR WALKER STARTS DESTROYING THE SER PLAN:

The day after the above FIRE NET, DAR WALKER turned the use of a Non Ham during the above emergency net into an volatile and explosive issue.

While on the telephone W6IO starting yelling at me and making demands and dictates, telling me that "things were going to change" as to how the SER Plan is to operate. DAR WALKER told me that Non Hams are not to use the Ham Frequencies. I responded, explaining that during an emergency, if no Hams are there to help, I will use Non Hams who report factually and follow proper procedures. DAR WALKER, continued yelling that if there are not enough Hams to help out, then that work which is needed to be done, will just not be done. I said no, that is not acceptable. This could cause people to die. I told DAR WALKER that I designed the SER Plan, not him, and he has no authority over the SER Plan. I told him that use of the non ham under these facts was lawful. I have advised DAR WALKER if this situation were to come up again, I will do the same thing.

I had cancelled the Practice Net for that evening because my sister was in the hospital. and in fact died that same day. However, contrary to my cancelling of the Practice Net, DAR WALKER took over and ran the SER Practice Net that night.

In further retaliation, DAR WALKER immediately sought to ban the SER Plan from using the 760 repeater 165 repeater. This would gut the Shingletown Emergency Radio Plan of the two repeaters for handling emergency fires and other emergencies for Shingletown. In this regard, there are well over 100 radios throughout Shingletown that are already programmed with those specific frequencies for the SER emergency nets, and there are approximately 12 active participating neighborhoods participating in the SER program; however, since the actions of DAR WALKER, participation has substantially been reduced. Years of dedicated work have been gutted.

The current threat to the SER Plan is that DAR WALKER, and now others, have broadcast on frequency that my use of the Non Ham was illegal and could subject persons to thousands of dollars of FCC fines / penalties. This has been repeated on the air multiple times and in e-mail correspondence.

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As a result of the actions of DAR WALKER, the SER Plan has now lost several key Ham operators. Also, Non Hams are saying - if I can't use the Ham repeater to transmit in an emergency to provide information that could save a life, then what is the point of an emergency net? Why even bother?

It is well known that Shingletown is at the top of the Cal Fire list of California Communities vulnerable to fire devastation. Shingletown is just like Paradise, California (which was completely decimated by the Camp Fire in November of 2018); is surrounded by forested areas, with housing susceptible to fire and the home of a large elderly population. In Paradise, people were trapped and died from the fire.

The SER Plan is the only emergency communications plan in Shingletown. Before my creating the SER Plan, Shingletown had **no plan for emergency communications**. The SER Plan is a fully functional system integrating neighborhoods and Ham nets. It is designed to deal with wildfires, earthquakes, power outages, welfare checks, inter-area relay, smoke checks, mapping and triangulation to locate sources of smoke when it is late at night, and a lot more. I was working on evacuation radio plans at the time that DAR WALKER started his attacks. Now, a concern is - if Non Hams can't transmit on the most effective HAM repeater during an emergency evacuation to communicate for example that a particular road is on fire and blocked by vehicles, then HAM radio is worthless for true emergency communications. Shingletown will simply be the next Paradise, California.

THE ATTACK ESCALATION - HAMS BOYCOTTING SHINGLETOWN FIRE NET.

Shortly after the above double wild fire incident (and on a totally different day), another FIRE NET was activated for a vegetation fire under the High Voltage lines in Shingletown. This fire spread to the vegetation and was about 2 miles from Shasta Forest Village (which has about 400 homes). There is only one small road in and out of this subdivision. If the road is blocked, the entire neighborhood is trapped, with no escape. Other neighborhoods were also near the fire, in addition to homes located approximately 2/10ths and 4/10ths of a mile from the fire.

During the FIRE NET (near the High Power Lines) a few Hams assisted. Their assistance is GREATLY APPRECIATED. But, more help was needed. Despite requests for help from FIRE CONTROL, no other Hams responded! I later found out that local Ham club members were listening, heard the requests for assistance, but didn't respond. As a result, a Non Ham was used again for a very short period of time. The local Ham club appears to be boycotting the SER FIRE NETS.

In my legal opinion, use of a non ham under the above facts and circumstances was lawful, proper, and common sense. I also am of the opinion that in the event of a massive earthquake with substantial damage (e.g., building collapses), evacuations due to wild fire, neighborhoods trapped, etc..., the limited use of non hams to perform Emergency Net Operations is proper when Ham operators are not available to assist. Such is anticipated to be rare. But now, with the local Ham club boycott, this use may become a clear necessity. Of course, in the event a Ham Operator becomes available, then the Non Ham would be deactivated as soon as practicable.

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THE SER PLAN – COORDINATION CAL FIRE AND OES, IN JEOPARDY:

The SER Plan has taken years to build. Recently, during 2019 Cal Fire was notifying repeater owners that they were removing all Ham Repeaters from All California Vaults unless very large fees were paid. Recognizing that if the 760 repeater (at 6,737 feet elevation) was lost, this would have a devastating impact on the SER Plan and emergency radio communications for Shingletown (as well as other areas of California). I opposed the effort. Cal Fire Chief Legal Counsel advised me that I was the only Attorney that had been in contact with him. As a result, the planned, and in process, removal of Ham repeaters from **all** of the state vaults was halted. See Exhibit 2.

Also, I have been working with Cal Fire and the Office of Emergency Services. I have been working to have the Sheriff / OES use our SER Plan Frequencies to transmit emergency notices, such as evacuations.

Thus, coordination with OES is part of this SER Plan. Much work remains. Shingletown has many areas which have limited access, poor communications, and which are located in rough mountain terrain. Early warning is thus critical. The goal is to try to avoid having people trapped by wildfires.

The coordination concept is that with Stations monitoring 24/7, this is would be another option for an emergency notification to be sent to operators who are monitoring 24/7 and who would then activate the Ham SER Nets and activate relevant Neighborhood Nets. OES and I have been in contact with a view towards conducting such a test and establishing procedures. In the event of a total communications failure (as happened in Shingletown during the severe snow storms of February 2019 – no ability to call 911 or get a reverse 911 etc...) there is no other means to provide Shingletown with emergency notices (e.g., evacuations, etc...). But, this concept is now placed in jeopardy by the actions of DAR WALKER. With participating Hams dropping out, who is going to be monitoring 24/7 to relay the OES evacuation order? How is OES going to respond when they do a test and no one responds, and does nothing to alert other Areas of Shingletown? This risks Ham radio operators being viewed as a joke.

It has taken years to have Hams get used to the mere idea of leaving a radio on 24/7 for emergency alerting. You would think that in area that is at the top of California's list of areas subject to wildfire risk, that such a concept would be a "no brainer". But, the Ham engrained mindset is: There is a schedule net in 5 minutes, let's dust off my radio and turn it on, Key the repeater to see if I can hit it, do my chit chat, and now everybody turn off our radios and we will wait for next weeks scheduled net. Of course, such "pretenders" think they are ready for an emergency fire alert. The Fact is, there are only a FEW SERIOUS HAM OPERATORS that desire to focus on emergency communications for an active situation. DAR WALKER is destroying "the few" that matter. I am not aware of any system that is actually operating like the SER Plan in California. A retired Fire Captain said to me – Nathan, imagine what benefit there would have been to the people of Paradise if they had a plan like yours (i.e., the SER Plan).

The SER Plan is not about Ham Chit Chat – it is purposefully designed to be a Radio Plan Using both Hams and Non Hams to provide vital emergency communications DURING an emergency.

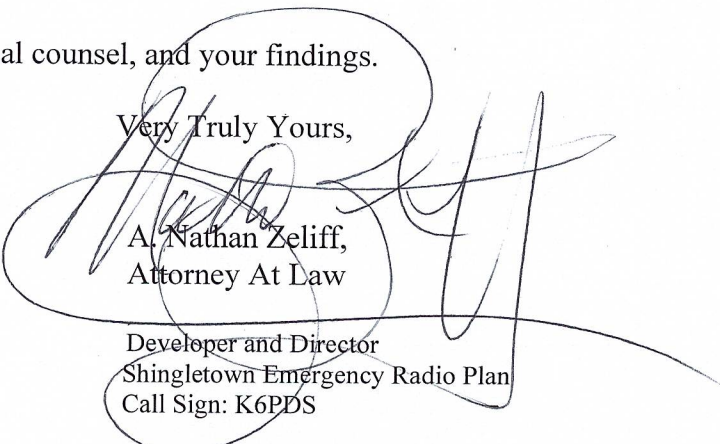
Hams have frequencies and Non Hams have Non Ham Frequencies under the SER Plan. But, sometimes, when life and death are at stake, common sense must be resorted to. Early detection and reporting of a fire is essential. The building process for the SER Plan has been long, slow and hard. Now, DAR WALKER, a few other Hams, and another Volunteer Examiner are taking steps to eviscerate and destroy an effective community emergency radio program. Please read the attached comments by members of the community, Exhibit 3.

I have discussed these matters with 3 Long Time Ham Operators. All of them agree that use of Non Hams under the circumstances herein described was proper. Such Long Time Ham Operators include one who is a retired Fire Captain who was previously involved with county emergency communications and wildfires. Another is retired and was a California State telecommunications technician at the time that all of the repeaters in state vaults in Shasta and Tehema county were installed. He did much of the installation.

A specific and direct response to the issue presented in the context of the facts and circumstances of this case is critical.

I look forward to discussion with your legal counsel, and your findings.

Very Truly Yours,

A. Nathan Zelif, 
Attorney At Law

Developer and Director
Shingletown Emergency Radio Plan
Call Sign: K6PDS

ANZ: eaa jitiu

SHINGLETOWN EMERGENCY RADIO AUTH 473 378 2327 FMT KILO 1 APPEND F1
FOLLOWING PROTOCOL IS BASED UPON OPINION OF LEGAL COUNSEL.

Communications with the FCC is in process on this matter.

EMERGENCY COMMUNICATION PROTOCOL – NON HAMS: [updated DRAFT 12/17/2020]

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. FURTHERMORE, SHINGLETOWN IS AT THE TOP OF CALIFORNIA’S LIST OF AREAS TO BE HIT BY WILDFIRE. DURING 2020, SER FIRE NETS WERE ACTIVATED NUMEROUS TIMES DUE TO WILDLAND FIRES.

THE IMMEDIATE ISSUE CONCERNS THE FCC REQUIREMENT THAT “NORMAL COMMUNICATION SYSTEMS [BE] NOT AVAILABLE”, BEFORE NON LICENSED INDIVIDUALS CAN USE HAM FREQUENCIES.

A CLEAR EXAMPLE WOULD BE THAT YOUR SPOUSE FELL DOWN A MOUNTAIN CLIFF AND HAS A BROKEN BACK. YOU HAVE NO ABILITY TO CALL FOR HELP (YOUR CELL PHONE IS BROKEN). YOU HAVE A HAM RADIO AND CAN REACH THE REPEATER ON THE DISTANT MOUNTAIN. THE USE OF THE HAM FREQUENCY BY YOU, A NON LICENSED PERSON, WOULD BE PERMISSIBLE.

IN CONTRAST, 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.

ONE VIEW IS THAT IF THERE ARE NOT ENOUGH HAMS, THEN THOSE EMERGENCY COMMUNICATION FUNCTIONS JUST WILL NOT BE DONE. THUS, FOR EXAMPLE, NO STATION WILL DO MAPPING AS TO THE FIRES LOCATION, DIRECTION OF TRAVEL AND DISTANCE FROM HOMES; AND / OR NO STATION WILL BE AVAILABLE TO MONITOR CAL FIRE DISPATCH, ETC...). WHEN VIEWED FROM ANY LOGICAL PERSPECTIVE, SUCH VIEWPOINT IS NOT ACCEPTABLE. RISKING THE LIFE OF YOUR FAMILY AND NEIGHBORHOOD, AND POTENTIALLY ALL OF SHINGLETOWN (LIKE THE CAMP FIRE IN PARADISE, CALIFORNIA) TO A RAGING WILD LAND FIRE IS DEVOID OF COMMON SENSE.

SO THE QUESTION APPEARS TO BE – ARE NORMAL COMMUNICATION SYSTEMS NOT AVAILABLE? IN THIS REGARD, ANOTHER VIEW MIGHT BE THAT FIRE CONTROL MUST FIRST MAKE TELEPHONE CALLS TO SEE WHO CAN HELP OUT. THUS, DURING AN ACTIVE WILDFIRE, THIS VIEW HOLDS THAT YOU ARE TO WASTE VALUABLE TIME IN AN ATTEMPT TO REACH PEOPLE THAT ARE NOT RESPONDING TO REQUESTS FOR HELP ON THE EMERGENCY FREQUENCY, BY USING YOUR PHONE TO TRY TO “CALL” PEOPLE YOU DON’T EVEN KNOW.

REASONABLE QUESTIONS UNDER THIS “OPTION” INCLUDE: WHO ARE YOU GOING TO CALL? WHAT IS THEIR PHONE NUMBER? IS THEIR PHONE WORKING? ARE THEY EVEN IN THE AREA? HAVE THEY ALREADY EVACUATED? IS YOUR PHONE WORKING? WILL YOUR PHONE STOP WORKING DURING COMMUNICATIONS? THE FACT IS THAT YOU DON’T HAVE ANY OF THIS INFORMATION!

YOU DON'T KNOW WHO IS ON FREQUENCY, AND DON'T KNOW THEIR CAPABILITIES UNTIL YOU TALK TO THEM. THE ONLY WAY TO ACTUALLY TALK TO THOSE ON FREQUENCY IS TO USE THE FREQUENCY THAT YOU ARE ACTUALLY BOTH ON DURING THE EMERGENCY.

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 IN SHINGLETOWN AND 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.

ADDITIONALLY, TELEPHONE CALLS RECEIVED BY **FIRE CONTROL** DURING EMERGENCY NETS HAS RESULTED IN STOPPING OF THE EMERGENCY NETS TO "ANSWER THE PHONE". THIS CAN RESULT IN UP TO 3 EMERGENCY NETS BEING INTERRUPTED AT ONE TIME. FURTHERMORE, TELEMARKETERS CALL. WHEN YOU HANG UP, THE LINE DOESN'T DISCONNECT FOR A WHILE.

DURING A FIRE NET, FIRE CONTROL IS GOING TO BE MONITORING 3 RADIOS, PLUS, MOST LIKELY, DOING TRIANGULATION (THIS INVOLVES OBTAINING LAT/LONG AND POSTING FIRE LOCATIONS TO A MAP, AND POSTING WIND DIRECTION AND WIND SPEED TO THE MAP, ETC...), RUNNING THE FIRE NET (AND POSSIBLY A NEIGHBORHOOD NET); TAKING NOTES; AND DIRECTING FIRE NET TRAFFIC. SUCH IS A STRESSFUL AND A HEAVY WORKLOAD. NO OTHER HAMS HAVE BOTHERED TO LEARN TO DO THE TRIANGULATION FUNCTION, OTHER THAN MYSELF.

MOREOVER, DURING OCTOBER, 2020, PG&E DID A POWER "SAFETY" SHUT OFF DURING A PERIOD OF HIGH FIRE DANGER. THIS RESULTED IN LOSS OF ELECTRICAL POWER TO ALL OF SHINGLETOWN WHILE AN ACTIVATED ONGOING EMERGENCY COMMUNICATIONS FIRE NET WAS OPERATING DUE TO TWO (2) WILDLAND FIRES CONCURRENTLY BURNING (AT BOTH THE EAST AND WEST SIDES OF SHINGLETOWN). STATIONS USED BATTERY AND OTHER EMERGENCY BACK UP POWER TO CONTINUE THE EMERGENCY FIRE NET. ALSO, 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

**LAW OFFICE OF
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Toll Free 1-866-4-TaxSOS / 1-866-482-9707

December 16, 2019

Via E-Mail – as attachment.

Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Attention: Bruce A. Crane, Chief Counsel CAL FIRE

Dear Mr. Crane:

I appreciate your speaking with me this afternoon. The existing CAL FIRE stay on eviction of ham radio operators (radio equipment) from vaults is very much appreciated.

By way of update since our last communications, this will confirm your advising me on December 16, 2019:

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.

You advised that the above came from the Director of CAL FIRE, and that the Director got it from - very high up. Although you did not state the "very high up" source, I assume such reference to be the Governor's office.

We discussed having reference to Ham radio placed back into the VIP program documentation (the reference to Ham Radio having been recently removed from the CAL FIRE VIP documentation appearing on the Internet). We discussed how such would accomplish several positive aspects, with minimal effort.

I understand that we will again discuss these matters shortly after the 1st of January, 2020. Again, thank you for your positive and proactive assistance in working to resolve these matters.

I hope you and your family have a Merry Christmas, and a great New Year.

Very truly yours,

A. Nathan Zelfiff
Attorney at Law

ANZ:eea 20191216 jitiu

SER.2020.11.18

Shingletown Emergency Radio Plan – October / November, 2020.

**On the front lines of Wildfires and Emergencies – Shingletown
Residents voice full support for the SER PLAN.**

At the end of October, 2020 (and continuing thereafter) there has been an attempted Take Over / Hijacking of THE Shingletown Emergency Radio Plan. Such is still in process. As a result, the continued existence of the SER Plan and its efficient emergency communications plan, have been jeopardized. Hopefully, those behind this madness will recognize the dangerous situation they are creating. But, the SER Plan is STILL HERE AND OPERATING! Just join in.

The positive response from the Shingletown community has been very uplifting. Many residents of Shingletown recognize the value of the SER Plan, and they want to keep the SER Plan. Here are some of the e-mails I have received (names have been removed):

START:

➡ • “Nathan please feel free to put this message out to others on your SER email list.

I have been an active participant in the SER (Shingletown Emergency Radio) plan for over a year now. I became involved because I see the value to our community as a whole . Overall the situational awareness aspect of the system as it is designed currently will save lives. The system is a stand-alone emergency communication system that can provide users with a reliable means to activate emergency services in the event of loss of power or standard communications. It should remain in place.

As a retired firefighter, I understand the importance of early emergency services activation and timely responder and community situational awareness. I also understand how chaotic things can be in the event of an emergency if there is not a structured plan. Without a plan bad things happen. If there were two opposing plans, I would venture to say bad things will happen. What we have with the current SER plan pulls together area reports that span miles in a matter of minutes. I have witnessed the SER plan provide timely and accurate up to date emergency information to residents of our community. In those instances participants with radios were far more informed than others without. I oppose the effort to form a new SER plan.

I feel it is important to realize that everyone has their opinion on how things should be done in any circumstance. By all means, the SER plan is not perfect but it is effective and continually improving. If the plan works why change it?

Nathan, you have put a tremendous amount of work into making our area safer through the SER plan. You are continually striving to make it even better by soliciting input from participants. I see no reason to discontinue your efforts over a disagreement or personal issue. I understand your frustrations, but ultimately what is important? You have made us safer and given many of us piece of mind even as we sleep at night. That is success!

Respectfully, ...”

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M PAGE 14 EXHIBIT 3

➡ • "This is horrible news. The Village Emergency Net is VITAL for our safety in times of emergency. As you know, we do NOT have a reliable means of alerting residents of dangerous situations in a timely fashion. If there is anything you can do to stop this takeover it would be GREATLY appreciated, Nathan. You have done a tremendous job in putting Shingletown's safety first with this network. You've done an excellent job and I hope it continues.

Sincerely, ..."

➡ • "hi there, nathan.
i appreciate all you've done to build up the shingletown program.
i think it's important to have...to relay info when our internet is down,
and to hear updates on local fires.
i haven't participated much...but i'm listening...and i will
contribute when i have something to offer.
i'd love it if you would continue with the program...
whatever you call it is fine with me.
again, thanks for all the time and resources you've put into this.
sorry the others hijacked your program.
i'm with you, ..."

➡ • "Please continue as it will save a life in an actual emergency ! The broadcast is much appreciated by my entire family and friends and neighbors"

➡ • "Sorry to learn of this matter.

You've spent a great amount of time and effort trying to help Shingletown and surroundings. It was comforting to know you and others were on standby. So, yes, a village emergency net seems wise indeed. ... Thanks for making such an effort to save our property and lives..."

➡ • "We would be most grateful if you would keep this wonderful effort going."

➡ • "I'm sorry to hear this, as we really liked the plan that was in place, and felt informed immediately! I'm not sure what we can do now. why don't you just keep doing what you are doing and see where things go? ..."

➡ • "Hi Nathan, I want to continue the Village Emergency Net. I feel it is very important to us for any disasters. I hope it will continue. Thank you for all you do. ..."

➡ • "Nathan, we were very sad to hear ... We just joined a couple months ago and it's been very helpful to know about incidences in real time. If there is a Village Emergency Net, we would like to be a part."

➡ • "I would participate but I am totally overwhelmed taking care of my husband. ... I don't have any interest in Dar's network Take care."

⇒ • "I think you should keep doing it!"

END.

Thank you to everyone who has shown support for the Shingletown Emergency Radio Plan.

As you are aware, the Shingletown Emergency Radio Plan continues in full operation.

We need more Hams and Non Hams to help out.

Thank you again for your kind words.

Nathan 73 K6PDS

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TRANSMISSION VERIFICATION REPORT

TIME : 01/01/2006 00:22
NAME :
FAX :
TEL :
SER.# : 000H6J471937

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

01/01 00:15
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00:06:23
16
OK
STANDARD
ECM

12/17/2020

Scout to
12922 command
Sma 8thn #16 provided
were phones w/15
pages.

TRANSMISSION VERIFICATION REPORT

TIME : 01/01/2006 10:43
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FAX :
TEL :
SER.# : 000H6J471937

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

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00:06:22
16
OK
STANDARD
ECM

12/18/2020
9:55 AM

Corrected # per
part 1 at
ALLISON

M PAGE 18 OF 18.