

P 1875

**LAW OFFICE OF
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September 12, 2023

Total Pages, including cover page = 5
VIA Fax: 1-866-418-0232

FCC

Attention: Loyaan A. Egal, FCC Bureau Chief – Enforcement Bureau

RE: Destruction of Greater Area Shingletown Emergency Radio Plan

Dear Sir:

On or about December 22, 2022 I discussed with Laura Smith (FCC Special Counsel, Enforcement Division) the malicious and continuing interference on the Shingletown Emergency Radio Plan Ham repeater. As requested, a listing of dates and times of the interference was provided to Ms. Smith. Ms. Smith advised me that the FCC would not be able to help due to lack of resources and that the focus of the FCC was on public safety (as Ms. Smith put it - “guns and hoses” – police and fire) and commercial. Ms. Smith advised that Ham Radio is a “hobby” and even if it helps out in emergencies it is not considered “Public Safety”, it is a “hobby”. Ms. Smith advised me that the FCC wasn’t going to assist with some “remote repeater”.

During our above referenced telephone conversation, Ms. Smith also stated that she has done enforcement work for over 30 years (that she was in charge of all amateur operators for enforcement) and that in her experience, these situations are “almost always” done by the “president of a local ham club”. This last comment of Ms. Smith was prominent.

The Shingletown Emergency Radio Plan is not a “hobby”. It has been a community safety project. A major aspect is the Wildfire threat in our Area. Shingletown has been at the top of the California burn list for a long time. Hopefully, Shingletown doesn’t become another Paradise, or most recently Lahaina (115 dead and still searching for missing persons - no alerting, no communications, etc...).

During 2019, Ham Repeaters were being removed from all California Vaults. As a result of substantial legal work and coordination with Cal Fire's Chief Legal counsel, such action was stopped. The result was that removal of approximately 70 repeaters from California Vaults (entire state) was stopped, and the Ham repeaters are to remain in place in All California Vaults, and will not be removed. Further, a directive was issued that "Ham radio is to be part of, wrapped into, the larger Cal FIRE communications network" (See Exhibit C).

EXHIBIT G P 10F-6

The subject Ham repeater is in a California State Vault / lookout (on a mountain and difficult to reach). In that same vault there is California State emergency communications equipment. My recent access for maintenance had to be coordinated with a Cal. Fire Emergency Communications Chief and an individual with the California Office of Emergency Services. Thereafter, additional work was done on site on September 2, 2023 (a Saturday) with an entire work day at the repeater site. A Cal Fire representative was required to accompany us and remained with us the entire day.

Due to the malicious interference, and the lack of FCC assistance to prevent the malicious interference, changes were done to the repeater on September 2, 2023. The purpose was to seek to restore the repeater to some level of assistance during emergencies, but it is now only a fraction of its original application. We used to be able to activate by alerting signal and have a Ham Net (with neighborhood sub nets) that reached over a 100 to 150 square mile area in under 15 SECONDS. Emergency applications and drills have included (but not limited to): mobile wild fire evacuation net (road condition reports as people are fleeing a raging wildfire); wildfire reporting; transmitting Sheriff evacuation warnings and Orders; relaying of 911 emergency calls when others don't have any communications ability; etc... . However, these large area objectives have all but been destroyed.

As of this writing, and, respectfully, due to the wrongful refusal of the FCC to provide any assistance in enforcing regulations governing the malicious interference of a Ham Repeater used primarily for emergency communications (wild fire defense), the Greater AREA Shingletown Emergency Communications Plan has all but been destroyed. The malicious / intentional interference which I advised Ms. Smith about (and documented) has all but destroyed the use of the repeater for emergency wild fire defense and other emergencies for the Greater Shingletown Area. It is now being limited to a much smaller area with restricted access in order to at least save what is left of the emergency communications system for a much smaller area.

Attached is a copy of the August 2023 Repeater Advisory notice (Exhibit B) together with copy of related e-mail (Exhibit A). The e-mail address and name were redacted.

It is clear that the FCC doesn't actually care about public safety, Just as the Emergency Alerting Sirens in Lahaina were not switched on to alert the residents of the deadly fire, the FCC has affirmatively refused to switch on its regulatory duty to render assistance in preventing a deadly large area tragedy in Shingletown.

Very Truly Yours,

A. Nathan Zelif
Attorney at Law

Emergency Communications

From: Nathan Zelif (zlaw@taxsos.com)

To: [REDACTED]

Date: Tuesday, August 22, 2023 at 03:10 PM PDT

Dear [REDACTED]

Hope this e-mail finds you doing well.

The Shingletown Emergency Radio Plan has continued to experience interference, including keying, noises, and other actions, on the 760 repeater. This has been taking place at times including early morning hours. This has resulted in waking up radio operators at all hours, and the destruction of the emergency monitoring and volunteer response capabilities for emergencies (including wild fires).

With the recent Maui wildfire and its rapid spread resulting in at least 106 deaths, a reasonable person living in Shingletown can see that interference with the emergency radio plan is putting the lives of Shingletown residents at risk.

My purpose in writing is to illicit from you cooperation in having the interference with the emergency communications system come to an end. I don't desire to argue, or engage in back and forth communications in this regard. I am merely seeking an end to the interference. Evidence to date indicates your involvement in these matters. Hopefully, the interference will end, and other less attractive measures can be avoided.

The SER Plan and 760 repeater system has a continuing working relationship with:

1. Cal Fire Emergency Communications Chief;
2. California Office of Emergency Services;
3. Assistant Chief – Cal Fire Law Enforcement;
4. Shasta Forest Village Property Owners Association; and
5. Shasta Forest Village Firewise.

Hopefully, this communication may be received in a positive light and these matters may be brought to a favorable closing.

Thank you.

Nathan

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760 REPEATER (wide area) - URGENT.

8/23/2023 - last ditch effort was made to stop repeater interference. The responsible person(s) have continued interference.

See e-mail here

NOTE: As of 8/23/2023 1430 HOURS, there has been no written or verbal response from the above person who resides in Shasta Forest Village. Also, there has been no denial. The only "response" has been keying of the Repeater (after the e-mail) (WHICH WOKE UP

EMERGENCY VOLUNTEER MONITORING STATION OPERATORS):

8/22/2023: 1940 hours; 2040 hours; 2047 hours; 2254 hours; and on 8/23/2023: 0543 hours; 0551 hours (PTT held down with tapping sound – and shortly thereafter another keying with PTT held down); 0612 hours keying; 0618 hours keying; 0643 hours keying; 0652 hours - 2 keyings back to back (which were picked up on both repeater output AND on repeater input by a separate HT inside home with rubber ducky. Those with knowledge will understand significance).

ACTION: 760 WILL NO LONGER BE AVAILABLE. ITS USE WILL BE LIMITED TO 4 PARTICIPATING AREAS WITH ONLY A FEW OPERATORS HAVING ACCESS.

People may listen on 146.760 but you will not be able to listen unless you reprogram your radios with no tones, and no offsets, no tx. 760 will be devoted to the 4 participating areas only (on an as needed basis for those Areas for their emergency communication needs). Other Neighborhood /Areas need to work out their own emergency communications. When relevant radios for the 4 Participating Areas are re-programmed, other Areas will no longer hear the 760 repeater without doing the reprogramming as indicated. **The GREATER AREA SER System which benefited all of Shingletown (previously over 100 – 150 Square miles with the ability to activate within seconds any Area / all Areas) has been destroyed. It was a system that may have helped prevent wild fire disasters such as Paradise (85 dead) and Maui (115 dead, and still searching for missing).**

[SPECIFIC DESTRUCTIVE OPERATOR(S) HAVE BEEN IDENTIFIED. NAME AND ADDRESS INFORMATION WILL BE PROVIDED TO LAW ENFORCEMENT AND THE DISTRICT ATTORNEY FOR CRIMINAL PROSECUTION IN THE EVENT OF FURTHER INTERFERENCE WITH EMERGENCY COMMUNICATIONS, INCLUDING SUCH AS RESULTS IN DEATH OR GRAVE BODILY INJURY].

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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 Zeliff
Attorney at Law

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