

Federal Communications Commission

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

In the Matter of	)	
	)	
Mike F. Conte	)	File No.: EB-FIELDNER-25-00038215
Licensee of Amateur Station KA2FPZ	)	
	)	FRN: 0017256157
Naples, Florida	)	
	)	

NOTICE OF VIOLATION

Released: September 29, 2025

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission's rules¹ to Mike F. Conte (Conte), licensee of amateur station KA2FPZ (Station) in Naples, Florida. Pursuant to section 1.89(a) of the Commission's rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On March 17, 2025, agents of the Enforcement Bureau's New York Field Office, using direction finding techniques, located and monitored transmissions of the Station at 7.200 MHz emanating from a residence on North Lake Shore Drive in Brookfield, Connecticut, owned by Mike F. Conte (Residence), and observed the following violation(s):

- a. 47 CFR § 97.103(c) – Station licensee responsibilities: “The station licensee must make the station and the station records available for inspection upon request by an FCC representative.” On March 17, 2025, the agents knocked on the door of the Residence, identified themselves, and requested to inspect Conte's station. Agents were denied access to the Residence.
- b. 47 CFR § 97.113(b) – Prohibited transmissions: “An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications except as specifically provided in these rules . . .” On March 17, 2025, agents monitored and recorded Conte's amateur radio station, KA2FPZ, engaging in one-way communications by pretending to speak with a station he identified as KB2VBO. There is no active amateur license assigned the call sign KB2VBO, and no one responded to Conte's communications. Conte later admitted to an agent that he was engaging in one-way communication that was neither allowed nor exempted under the rules.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, Conte must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s)

¹ 47 CFR § 1.89.

² *Id.* § 1.89(a).

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

Federal Communications Commission

taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with section 1.16 of the Commission's rules, we direct Conte to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Conte, verifying the truth and accuracy of the information therein, and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced.⁵ To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File Number, specified above, and mailed to the following address:

Federal Communications Commission
Columbia Regional Office
9050 Junction Drive
Annapolis Junction, Maryland 20701

6. This Notice shall be sent to Mike F. Conte at his address of record in Naples, Florida, at his residence in Brookfield, Connecticut, and via electronic mail.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski
Regional Director
Region One
Enforcement Bureau

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

⁶ 18 U.S.C. § 1001, *et seq.*; *see also* 47 CFR § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

Disbursements 9/25

From: Jonathan Fuchs (jonathan@icelandair.is)

To: shannon@haganandcoury.com; shagan8511@aol.com

Date: Monday, September 29, 2025 at 04:15 PM EDT

Car Fare: \$364.90

Phone: \$528.50

Notary Renewal: \$60.00

USB Drive: \$25.01

Kær kveðja | Best regards

JONATHAN FUCHS

General Counsel - The Americas

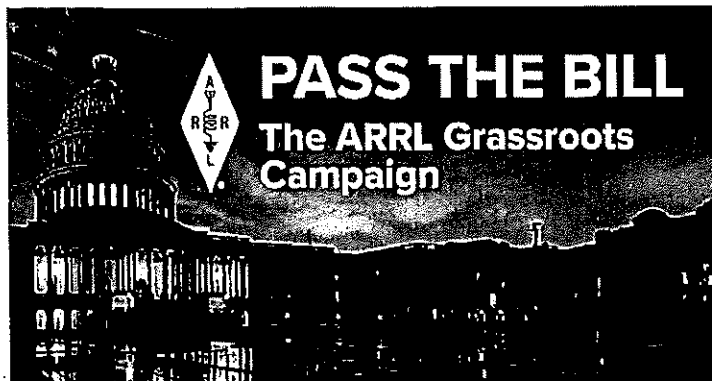
ICELANDAIR 

- Fyrirvari/Disclaimer

[Home](#)

♦ ARRL – Pass The Bill

📅 21 September 2025 | by [Bob KØNR](#) | [Share](#) | [Tweet](#) | [Leave a Comment \(0\)](#)



You've probably seen the messages about the ARRL push for relief from antenna restrictions by Home Owners Associations (HOAs). If not, take a look [here](#). It is clear that excessively tight HOA restrictions are a significant barrier to getting started in ham radio.

ARRL has launched a nationwide grassroots campaign aimed at securing the passage of federal legislation that would grant Amateur Radio Operators the same rights to install antennas on their property as those enjoyed by users of TV antennas, wireless internet, and flagpoles.

The campaign, announced in an [ARRL Member Bulletin](#) on September 17, 2025, follows the reintroduction of the Amateur Radio Emergency Preparedness Act in February 2025 (see [ARRL News 02/07/2025](#)). The bipartisan bills — [H.R.1094](#) in the House and [S.459](#) in the Senate — are designed to prevent restrictive homeowners' association (HOA) rules that currently prohibit or severely limit the installation of amateur radio antennas, even when such antennas are hidden in trees, placed in attics, mounted on vehicles, or look like flagpoles.

While the ARRL is pushing for this bill, I have not seen much written about what is actually IN the bill. You can read the entire text here: [HR 1094 – Amateur Radio Emergency Preparedness Act](#).

But here's my summary. The bill requires that specific amateur radio antennas not require approval from HOAs or similar organizations:

- Antennas that are 1 meter or less in diameter
- Flagpole antennas, not to exceed 43 feet in height
- Wire antennas – minimally obtrusive wire antennas
- Vertical antennas – not to exceed 43 feet in height

Note that this does not mean you will have the right to put up a 60-foot tower with multiple large antennas on it. Some folks are probably disappointed in the limited nature of this bill. My view is that it is a reasonable accommodation to basic ham radio operation, very reasonable for urban and suburban environments. If you want to build the ultimate contest station, you'll need to buy some rural property. This [ARRL page](#) provides some background on why this bill makes sense.

I am somewhat surprised by the 43-foot height limit for vertical antennas. This is apparently a carryover from previous ARRL legislative attempts. I would settle for something shorter than this...but what the heck. For reference, a quarter-wave vertical for the 40m band is about 33 feet high.

I think the ARRL has lined up the legislation, the lobbyists, and some Congresspeople to push this through. Can we get this passed? I don't know, but I suggest we all get behind this by making our voices heard in Congress. The ARRL has made this VERY EASY to do. Just go here: <https://send-a-letter.org/hoa/>

That's my view. What do you think?

73 Bob KØNR

The post [ARRL – Pass The Bill](#) appeared first on [The KØNR Radio Site](#).

[Bob Witte, KØNR](#), is a regular contributor to [AmateurRadio.com](#) and writes from Colorado, USA. Contact him at bob@k0nr.com.

Leave a Comment

Name & Callsign (required)

E-Mail (will not be published) (required)

Submit Comment

Subscribe **FREE** to AmateurRadio.com's
Amateur Radio Newsletter
News, Opinion, Giveaways & More!

E-mail →

Subscribe

Join over 7,000 subscribers!
We never share your e-mail address.

Also available via [RSS feed](#), [Twitter](#), and [Facebook](#).

Press  +  to Bookmark

Subscribe **FREE** to AmateurRadio.com's
Amateur Radio Newsletter

Subscribe

We never share your e-mail address.

Please support our generous sponsors who make AmateurRadio.com possible:



HAM RADIO DELUXE SOFTWARE
The Radio Amateur's Best Asset
www.HamRadioDeluxe.com

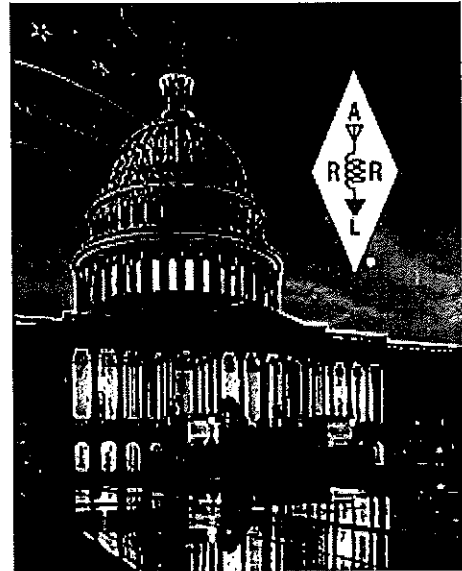
try **FREE** for 30 days

[Ham Radio Deluxe](#)

ARRL Launches Nationwide Grassroots Campaign to Pass Amateur Radio Emergency Preparedness Act

ARRL has launched a nationwide grassroots campaign aimed at securing the passage of federal legislation that would grant Amateur Radio Operators the same rights to install antennas on their property as those enjoyed by users of TV antennas, wireless internet, and flagpoles.

The campaign, announced in an ARRL Member Bulletin on September 17, 2025, follows the reintroduction of the Amateur Radio Emergency Preparedness Act in February 2025 (see ARRL News 02/07/2025). The bipartisan bills -- H.R.1094 in the House and S.459 in the Senate -- are designed to prevent restrictive homeowners' association (HOA) rules that currently prohibit or severely limit the installation of amateur radio antennas, even when such antennas are hidden in trees, placed in attics, mounted on vehicles, or look like flagpoles.



"This legislation is about restoring equal rights to licensed Amateur Radio operators," said ARRL President Rick Roderick. "These restrictions hinder not only the enjoyment of Amateur Radio, but also its vital role in emergency communication during disasters."

Public Support Needed for Passage

To advance the legislation, ARRL is calling on its members and all licensees of the US Amateur Radio Service to take action by sending letters to their congressional representatives. Through a dedicated online tool at <https://www.arrl.org/HOA>, hams can easily generate and submit pre-drafted letters with a few clicks.

Go to — <https://www.arrl.org/HOA>

— and help us by sending your letters to your Representative and Senators.

ARRL has emphasized that every letter matters. "Your Representative and Senators need to know that the passage of this legislation is important to you."

For more information about the ARRL grassroots campaign to pass the bill, please visit www.arrl.org/current-legislation.

Donate and Help Us Pass the Bill!

Support ARRL's advocacy goals with a donation and help us Pass The Bill!

Donate Now: www.arrl.org/PassTheBill

Your support helps ARRL engage legislative leaders to pass this bill and provide the ability of Amateur Radio Operators to install the antennas necessary to serve their restricted land use communities.



ARRL CEO to Talk Ham Radio Advocacy on Live Stream

ARRL CEO David Minster, NA2AA, will join host Josh Nass, KI6NAZ, on his YouTube channel Ham Radio Crash Course to discuss the just-launched grassroots campaign to pass the Amateur Radio Emergency Preparedness Act. Minster will demonstrate an online tool to engage all hams in supporting ARRL's federal legislative push to pass the bill:

<https://www.arrl.org/HOA>

 Date: Thursday, September 18, 2025

 Time: 9 PM Eastern / 6 PM Pacific

 Ham Radio Crash Course (YouTube channel)

ARRL Member Bulletin for September 17, 2025

From: ARRL (memberlist@arrl.org)

To: shagan8511@aol.com

Date: Wednesday, September 17, 2025 at 04:09 PM EDT

ARRL Member Bulletin



September 17, 2025



YOU CAN HELP US CHANGE THE LEGAL RIGHTS OF AMERICAN HAMS

The ARRL is focused on reducing legal restraints on the ability of American Amateur Radio Operators to engage in the active practice and enjoyment of Amateur Radio.

One of the most insidious and increasing threats to the survival of Amateur Radio and our ability to serve our communities and Nation, as we are required to do by Federal regulation, is the proliferation of private land use restrictions that prohibit the installation of outdoor antennas and that sometimes actually deny Federally licensed Amateurs from operating any amateur radios, regardless of where their antennas are located — in their attics, hidden in trees, or mounted on their vehicles.

Federal law — since 1996 — has guaranteed to every American — except Amateur Radio Operators — the right to erect antennas outside or on their residences for the purpose of TV reception, satellite TV and internet access, wireless internet access, and even wireless internet redistribution. But Amateur Radio operators are denied the equal right to erect comparable antennas.

Since 2005, Federal law has also guaranteed to every American the right to proudly display the American Flag by installing flagpoles in their yards. But, despite that right to install vertical poles in their yards — American Radio Amateurs are denied the right to use those vertical flagpoles as vertical antennas.

We believe the denial — to licensed Amateur Radio Operators — of the rights guaranteed to all non-Amateur Radio licensed American homeowners — the right to install antennas on the land they own — is without justification and should not be permitted to continue.

To eliminate these private land use restrictions, the ARRL has worked over the past several years with our elected officials to draft Congressional legislation — H.R. 1094 in the U.S. House of Representatives and S. 459 in the U.S. Senate — that, when passed will extend to all Hams the right to operate from their homes and the right to install antennas on the land they own. We have bipartisan support for this legislation.

BUT, WE NEED YOUR HELP TO PASS THIS LEGISLATION!!!

How can you help? By sending a letter to your Representative and Senators asking that they co-sponsor and support H.R. 1094 and S. 459.

How can you send these letters? It is easy.

Go to — <https://send-a-letter.org/hoa/> — enter your call sign and click on “Send My Letters” and your letters will be delivered to our Washington legislative team for hand delivery to your Representative and Senators.

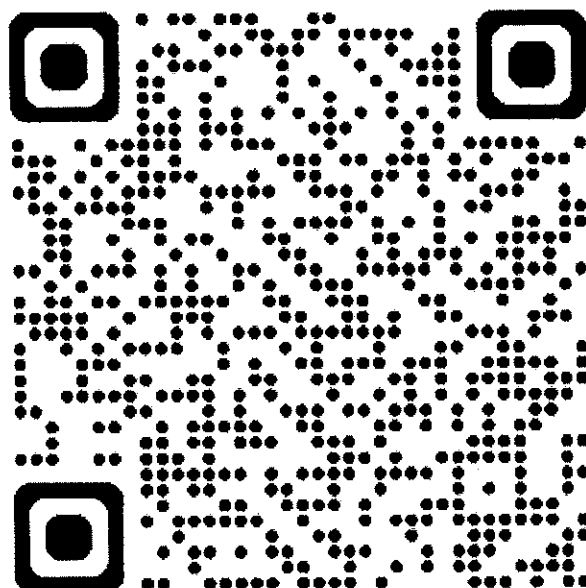
Does your individual letter matter? YES.

Your Representative and Senators need to know that the passage of this legislation is important to you.

Your letter could be the difference in whether we are able to pass H.R. 1094 and S. 459.

Go to — <https://send-a-letter.org/hoa/> — and help us by sending your letters to your Representative and Senators.

For ease of access to <https://send-a-letter.org/hoa/>, point your phones at:



Copyright © 2025 American Radio Relay League, Incorporated. Use and distribution of this publication, or any portion thereof, is permitted for non-commercial or educational purposes, with attribution. All other purposes require written permission.

ARRL The National Association for Amateur Radio®

Unsubscribe

News

Amateur Radio Emergency Preparedness Act Re-Introduced

02/07/2025

Legislation Will Increase Communication Options During Natural Disasters

WASHINGTON – U.S. Senators Roger Wicker, R-Miss., and Richard Blumenthal, D-Conn., and Representatives August Pfluger, R-Tex., and Joe Courtney, D-Conn. announced their joint re-introduction of legislation in the Senate and House to restore the right to Amateur Radio operators to install the antennas necessary to serve their communities.

Homeowner association rules often prevent Amateur Radio operators from installing antennas at their homes even though Amateur Radio has proven to be essential in emergencies and natural disasters such as hurricanes when other means of communication fail.

“Mississippians should have access to every possible means of warning for natural disasters, including amateur radio operators. In an emergency, those warnings can mean the difference between life and death,” **Senator Wicker said.** “The Amateur Radio Emergency Preparedness Act would remove unnecessary roadblocks that could help keep communities safe during emergencies like tornadoes, hurricanes, and fires.”

“When disaster strikes, amateur radio operators provide vital, often life-saving information, which shouldn’t be hindered by prohibitive rules or confusing approval processes. The Amateur Radio Emergency Preparedness Act eliminates obstacles for ham radio enthusiasts, allowing

them to continue their communications and serve their communities in the face of emergencies,” **said Senator Blumenthal.**

“Natural disasters and other emergency situations that hinder our regular lines of communication are unfortunately unavoidable, which is why we must bolster our emergency preparedness by removing the barriers amateur radio operators often run into when installing antennas. Amateur radio plays a vital role in public safety by delivering critical information to people at all times. My district is home to dozens of amateur radio operators ready to volunteer in the event of an emergency, and I am proud to lead this legislation,” **said Congressman August Pfluger.**

“As we know from recent natural disasters, amateur radio operators in Connecticut can be a critical component of disaster response and emergency management. It is in our communities’ best interest that we give them the capabilities to operate at the highest level, and with the re-introduction of this bill, we’ve taken a strong step in that direction,” **said Congressman Courtney.**

Background:

The Amateur Radio Emergency Preparedness Act of 2025 (H.R. 1094 and S. 459) would require homeowner associations to accommodate the needs of FCC-licensed Amateur Radio operators by prohibiting the enforcement of private land use restrictions that ban, prevent, or require the approval of the installation or use of Amateur Radio station antennas. Homeowner associations have often prevented installation and use of such antennas through private land use restrictions. This has hindered voluntary training for emergency situations and blocked access to necessary communications when disaster strikes.

Among other provisions, this legislation would:

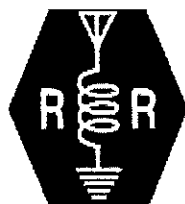
- Prohibit homeowner association rules that would prevent or ban Amateur Radio antennas;
- Specify an approval process for installing Amateur Radio antennas;

- Provide a Federal private right of action to Amateur Radio operators in disputed cases.

On behalf of America's Amateur Radio licensees, Rick Roderick, the President of The American Radio Relay League, re-confirmed the ARRL's full support for the passage of the Amateur Radio Emergency Preparedness Act of 2025 and extended his thanks and appreciation to Senators Wicker and Blumenthal and Congressmen Pfluger and Courtney for their unflagging leadership of the bi-partisan effort to support and protect the rights of all Amateur Radio Operators.

The text of the House version can be found at this link: [H.R. 1094](#)

Photo Gallery



[Back](#)

[News & Features](#) >> News

[EXPLORE ARRL](#)

H.R.1094 - Amateur Radio Emergency Preparedness Act

119th Congress (2025-2026) | [Get alerts](#)

Sponsor: [Rep. Pfluger, August \[R-TX-11\]](#) (Introduced 02/06/2025)
Committees: House - Energy and Commerce
Latest Action: House - 02/06/2025 Referred to the House Committee on Energy and Commerce. ([All Actions](#))

Tracker: ⓘ

Introduced

Passed House

Passed Senate

To President

Became Law

Summary(1) **Text(1)** Actions(2) Titles(2) Amendments(0) Cosponsors(17) Committee Reports(0) Amendments to the Committee Print(0) Amendments to the Bill(0)

☰

🔊 Listen

▶

There is one version of the bill. **Text available as:** XML/HTML : [XML/HTML \(new window\)](#) (23KB) | [TXT](#) (17KB) | [PDF](#) (244KB) ⓘ

Shown Here:
Introduced in House (02/06/2025)

119TH CONGRESS
1ST SESSION

H. R. 1094

To amend the Communications Act of 1934 to prohibit the application of certain private land use restrictions to amateur station antennas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2025

Mr. PFLUGER (for himself and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to prohibit the application of certain private land use restrictions to amateur station antennas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Amateur Radio Emergency Preparedness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) More than 770,000 amateur operators in the United States are licensed by the Federal Communications Commission (in this section referred to as the “Commission”) in the amateur radio services, and, by treaty, amateur operators licensed by other countries are authorized to operate within the United States.

(2) Amateur radio, in addition to providing life-saving emergency communications at no cost to taxpayers, provides a fertile ground for technical self-training in modern telecommunications, electronics technology, and emergency communications techniques and protocols.

(3) There is a strong Federal interest in the effective performance of amateur stations established at the residences of amateur operators. Among other reasons, when an emergency arises, it can be too late, and too dangerous, to erect an effective antenna. However, amateur stations have been shown to be frequently and increasingly precluded by unreasonable private land use restrictions, including restrictive covenants.

(4) Commission regulations have for more than 3 decades prohibited State and local regulation of amateur station antenna structures that precludes or fails to reasonably accommodate amateur service communications, or that does not

constitute the minimum practicable regulation to accomplish a legitimate State or local purpose. The policy of the Commission has been and is to require States and localities to permit erection of a station antenna structure at heights and dimensions sufficient to reasonably accommodate amateur service communications. The Commission struck an appropriate balance by enabling effective use of the amateur service without burdening localities and adjoining properties.

(5) The Commission has sought guidance and direction from Congress with respect to the application of the Commission's limited preemption policy regarding amateur service communications to private land use restrictions, including restrictive covenants.

(6) In 1996, Congress provided guidance, direction, and authority to the Commission by directing the Commission to promulgate regulations (Public Law 104–104, title II, section 207, 110 Stat. 114; 47 U.S.C. 303 note) that have preempted all private land use restrictions applicable to exterior communications facilities that impair the ability of citizens to receive television broadcast signals, direct broadcast satellite services, or multichannel multipoint distribution services, or to transmit and receive wireless internet services.

(7) To further the public interest benefits that amateur radio brings to society, private land use restrictions that prohibit, restrict, or impair amateur operators from operating, installing, or maintaining effective outdoor amateur station antenna structures should also be preempted.

SEC. 3. APPLICATION OF PRIVATE LAND USE RESTRICTIONS TO AMATEUR STATION ANTENNAS.

(a) IN GENERAL.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

“SEC. 346. APPLICATION OF PRIVATE LAND USE RESTRICTIONS TO AMATEUR STATION ANTENNAS.

“(a) IN GENERAL.—A private land use restriction that prohibits, restricts, or impairs, or has the effect of prohibiting, restricting, or impairing, an amateur operator from operating, installing, or maintaining any amateur station antenna on property subject to the control of the amateur operator may not be adopted or enforced, except as permitted by subsection (b).

“(b) PERMISSIBLE RESTRICTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the following private land use restrictions applicable to amateur station antennas may be adopted or enforced:

“(A) A restriction that requires an amateur station antenna to be installed in compliance with the specifications of the manufacturer of the antenna, applicable zoning ordinances, amateur radio tower ordinances (if any), and governmentally adopted building codes.

“(B) A restriction that requires an amateur station antenna to be maintained in a structurally safe condition.

“(C) A restriction that requires any deteriorated or structurally unsafe component of an amateur station antenna to be repaired, replaced, or removed.

“(D) A restriction that requires an amateur station antenna to be removed if the property on which the antenna is located ceases to be subject to the control of an amateur operator.

“(E) A restriction that requires an amateur station antenna ground-mounted electrical enclosure, ground-mounted control enclosure, or guy wire anchor to be visually screened if such enclosure or anchor—

“(i) is visible from the street faced by the dwelling; or

“(ii) is located in an unfenced side or rear yard and is visible from an adjoining property.

“(2) REASONABLE APPLICATION AND ENFORCEMENT.—A private land use restriction permitted by paragraph (1) shall be reasonably applied and enforced.

“(c) LIMITATIONS ON PRIOR APPROVAL.—

“(1) REQUIREMENT NOT PRESENT IN LAND RECORDS AT TIME OF PURCHASE OR LEASE.—A requirement in a private land use restriction for an amateur operator to obtain prior approval for the installation of an amateur station antenna may not be adopted or enforced if such requirement for prior approval was not present in the publicly recorded land records prior to the purchase or lease of the property by the amateur operator.

“(2) INFORMATION REQUIRED FOR PRIOR APPROVAL.—A private land use restriction that requires an amateur operator to submit an application for approval of an amateur station antenna prior to installation may not be adopted or enforced if the information required to be submitted as part of the application is greater or more detailed than the information required to be submitted as part of an application for any other improvement.

“(3) DEEMED APPROVAL.—If a community association or other person authorized to enforce a private land use restriction applicable to an amateur station antenna does not approve or deny an application of an amateur operator for approval of the installation of an amateur station antenna by the day that is 45 days after the date on which the application is submitted, the application shall be deemed to be approved on the 45th day.

“(4) EXISTING APPROVAL.—If a private land use restriction requires an amateur operator to submit an application for approval of an amateur station antenna prior to installation, after a community association or other person authorized to enforce the restriction approves the application, no further approval of the antenna may be required, unless there is a material change in the dimensions or structural integrity of the antenna.

“(d) ANTENNAS THAT DO NOT REQUIRE PRIOR APPROVAL.—A requirement in a private land use restriction for an amateur operator to obtain prior approval for the installation of an amateur station antenna may not be adopted or enforced with respect to any of the following types of amateur station antennas:

“(1) 1 METER OR LESS IN DIAMETER OR DIAGONAL MEASUREMENT.—An antenna for use by an amateur operator that is less than 1 meter in diameter or diagonal measurement, or having other measurements prescribed by the Commission.

“(2) FLAGPOLE ANTENNAS.—A flagpole, capable of dual use as a flagpole and an amateur station antenna, not greater than 43 feet in height above ground.

“(3) WIRE ANTENNAS.—Minimally obtrusive wire antennas, of a length necessary for the frequency of use intended.

“(4) VERTICAL ANTENNAS.—Vertical antennas, not to exceed 43 feet in height above ground, including collapsible whip and tilt-over antennas.

“(e) RULES OF CONSTRUCTION.—

“(1) CONTROL OF PROPERTY.—For purposes of this section, property is subject to the control of an amateur operator if the amateur operator is an owner, lessee, or legal resident of the property.

“(2) IMPAIRMENT OF INSTALLATION, MAINTENANCE, OR OPERATION.—For purposes of this section, a private land use restriction prohibits, restricts, or impairs the installation, maintenance, or operation of an amateur station antenna if the restriction—

“(A) unreasonably delays or prevents installation, maintenance, or operation of the antenna;

“(B) unreasonably increases the costs or difficulty of installation, maintenance, or operation of the antenna; or

“(C) prevents or degrades reception or transmission of a signal acceptable to the amateur operator.

“(3) LIMITED COMMON AREA.—

“(A) IN GENERAL.—For purposes of this section, if there exists, within the property for which a community association is responsible, a limited common area to which an amateur operator has the right to exclude use by others, the limited common area shall be treated as property under the control of the amateur operator.

“(B) PERMISSION ACCESS.—For purposes of subparagraph (A), access by a community association for roof repairs, landscaping, or other maintenance activities shall be treated as a permission, or authorized access, which does not limit or destroy the control of the amateur operator.

“(f) ENFORCEMENT.—

“(1) STAY OF ENFORCEMENT.—If an action is initiated to seek a declaratory ruling from the Commission or a court of competent jurisdiction regarding whether a private land use restriction complies with this section, any community association or other person seeking to enforce the restriction shall suspend all enforcement efforts with respect to the restriction until a ruling in the action has become final.

“(2) PROHIBITION ON ACCRUAL OF PENALTIES OR OTHER COSTS.—No penalty or other cost related to an amateur station antenna may accrue

against an amateur operator under a private land use restriction while an action described in paragraph (1) is pending to determine whether the restriction complies with this section.

“(3) BURDEN OF PROOF.—

“(A) REGARDING COMPLIANCE WITH THIS SECTION.—In any action before the Commission or a court of competent jurisdiction involving the interpretation of any provision of this section, the burden of demonstrating that a particular private land use restriction complies with this section shall be on the party that seeks to impose, maintain, or enforce the restriction.

“(B) REGARDING VIOLATION OF PRIVATE LAND USE RESTRICTION.—In any action before the Commission or a court of competent jurisdiction to determine whether an amateur station antenna violates a private land use restriction, the party alleging the violation bears the burden of proof.

“(g) PRIVATE RIGHT OF ACTION.—A person harmed by a violation of this section may bring an action against the person alleged to have committed the violation in an appropriate district court of the United States without first exhausting remedies under State law.

“(h) AFFIRMATION OF LIMITED PREEMPTION OF STATE AND LOCAL LAND USE REGULATION.—Nothing in this section shall be construed to modify or otherwise limit the applicability of section 97.15(b) of title 47, Code of Federal Regulations, or any successor regulation.

“(i) DEFINITIONS.—In this section:

“(1) AMATEUR OPERATOR.—The term ‘amateur operator’—

“(A) has the meaning given such term in section 97.3 of title 47, Code of Federal Regulations, or any successor regulation; and

“(B) includes any other person authorized to operate an amateur station in the United States.

“(2) AMATEUR STATION.—The term ‘amateur station’ has the meaning given such term in section 97.3 of title 47, Code of Federal Regulations, or any successor regulation.

“(3) ANTENNA.—The term ‘antenna’ includes—

“(A) the transmitting and receiving elements;

“(B) any feedline, control enclosures, or electrical enclosures necessary for effective transmission or reception; and

“(C) any support structure, guy wire, anchor, or tie-off.

“(4) COMMUNITY ASSOCIATION.—The term ‘community association’ means—

“(A) a condominium association (as defined in section 604 of the Condominium and Cooperative Abuse Relief Act of 1980 (15 U.S.C. 3603));

“(B) a cooperative association (as defined in such section); and

“(C) a residential real estate management association (as defined in section 528 of the Internal Revenue Code of 1986).

“(5) LESSEE.—The term ‘lessee’ means a person who, in exchange for payment—

“(A) takes temporary possession of residential real estate through a lease; or

“(B) takes possession, in whole or in part, by lease or purchase, of residential real estate subject to a ground lease.

“(6) PRIVATE LAND USE RESTRICTION.—The term ‘private land use restriction’ means—

“(A) a publicly recorded provision (whether such provision is denoted as a covenant, deed restriction, declaration, use restriction, covenant that runs with the land, or otherwise) that—

“(i) touches or concerns the real estate to which the provision applies; and

“(ii) limits or restricts the use of the real estate or imposes conditions on the use of the real estate; or

“(B) a rule or regulation of a community association, whether publicly recorded or not, that limits or restricts the use of real estate or imposes conditions on the use of real estate.”.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall promulgate regulations to implement the amendment made by subsection (a).

S.459 - Amateur Radio Emergency Preparedness Act

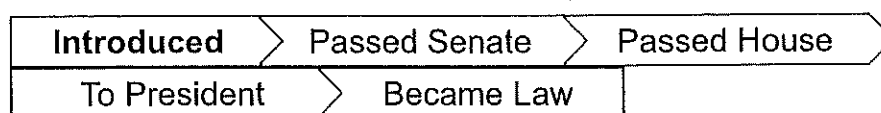
119th Congress (2025-2026) | [Get alerts](#)

Sponsor: [Sen. Wicker, Roger F. \[R-MS\]](#) (Introduced 02/06/2025)

Committees: Senate - Commerce, Science, and Transportation

Latest Action: Senate - 02/06/2025 Read twice and referred to the Committee on Commerce, Science, and Transportation. ([All Actions](#))

Tracker: ⓘ



[Summary\(1\)](#) [Text\(1\)](#) [Actions\(1\)](#) [Titles\(2\)](#) [Amendments\(0\)](#) [Cosponsors\(1\)](#) [Committee](#)



There is one summary for S.459. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Introduced in Senate (02/06/2025)

Amateur Radio Emergency Preparedness Act

This bill limits the adoption and enforcement of private land use restrictions (e.g., rules of a homeowners' association) that prohibit, restrict, or impair the installation, maintenance, or operation of an amateur station antenna on property controlled by an amateur radio operator.

Private land use restrictions are deemed to prohibit, restrict, or impair the installation, maintenance, or operation of an amateur station antenna if they unreasonably delay, prevent, or increase the cost or difficulty of such installation, maintenance, or operation; or if they prevent or degrade the reception or transmission of a signal acceptable to the operator.

However, the bill permits certain private land use restrictions, including restrictions that require amateur station antennas (1) to be maintained in a structurally safe condition; or (2) to be installed in compliance with manufacturer specifications, applicable zoning ordinances, amateur radio tower ordinances, and building codes.

The bill also establishes certain limits on the adoption and enforcement of private land use restrictions that require an amateur radio operator to obtain prior approval before installing an amateur station antenna, and exempts certain categories of amateur station antenna from prior approval requirements altogether.

Finally, the bill sets forth procedures for the enforcement of these provisions and provides a private right of action for individuals harmed by violations of the provisions.

A hands-on practicum on antenna zoning from a radio amateur who has walked the walk ... and won!

So You Want To Put Up a Tower...

BY JOHN LINDHOLM,* W1XX

September 17, 2007, marked the successful conclusion of a year-long battle to validate my 100-foot rotating amateur radio tower. This is the story of that effort.

Most articles dealing with antenna zoning and antenna ordinances are written by attorneys. I'm not a lawyer and I haven't played one on TV (with apologies to Fred Thompson). However, as a layperson, I think I can lend a perspective and practicality—that perhaps a lawyer can't provide—to the average ham who dreams of having an amateur radio tower.

The jubilation of a successful appearance before the town Zoning Board of Review (sometimes called the Zoning Board of Appeals or other similar name) had not subsided before I found myself offering advice to local amateurs contemplating erection of antenna towers. Some were going to make what I considered the wrong moves from the outset. Thus, the need for this article presented itself. Why not share my experiences, which might help others in similar circumstances?

Some Starting Assumptions

First of all, let's assume that you probably either intend to put up a tower or already have (see fig. 1). Also, that it is (or will be) perfectly safe in every respect. Its distance from any power lines is greater than its height. It will be erected by hams who really know what they're doing, or better yet, by professionals. Its configuration can be documented by a professional engineer if required (more on that later). Your property does not come under any restrictive covenants that clearly prohibit ama-

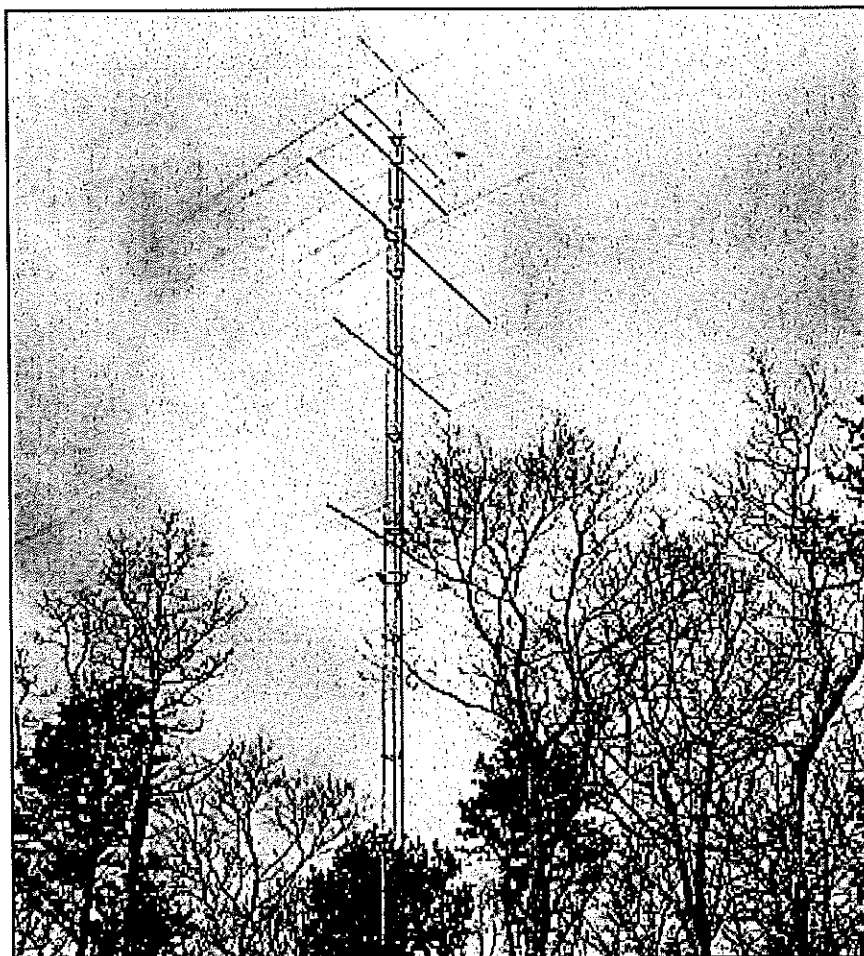


Fig. 1— The author's 100-ft. rotating tower, the subject of this article. Majestic, isn't it? (Photo by KB1LN)

teur radio towers. If you live in a CC&R (covenants, conditions, and restrictions) environment, I don't think this article can help you. Should you be seeking the perfect ham radio QTH, I'm sure you already know to beware of any such restrictions. I went through that process a few short years ago and did find what I considered the near perfect location to

build a new home with amateur radio a prime consideration (fig. 2).

Do I Need a Permit?

The obvious technical answer is: "Of course you do, knucklehead!" Any lawyer will tell you that. But don't you know hams who simply have put up an

*CQ WW VHF Contest Director, 48 Shannock Road, South Kingstown, RI, 02879
e-mail: <w1xx@cq-amateur-radio.com>

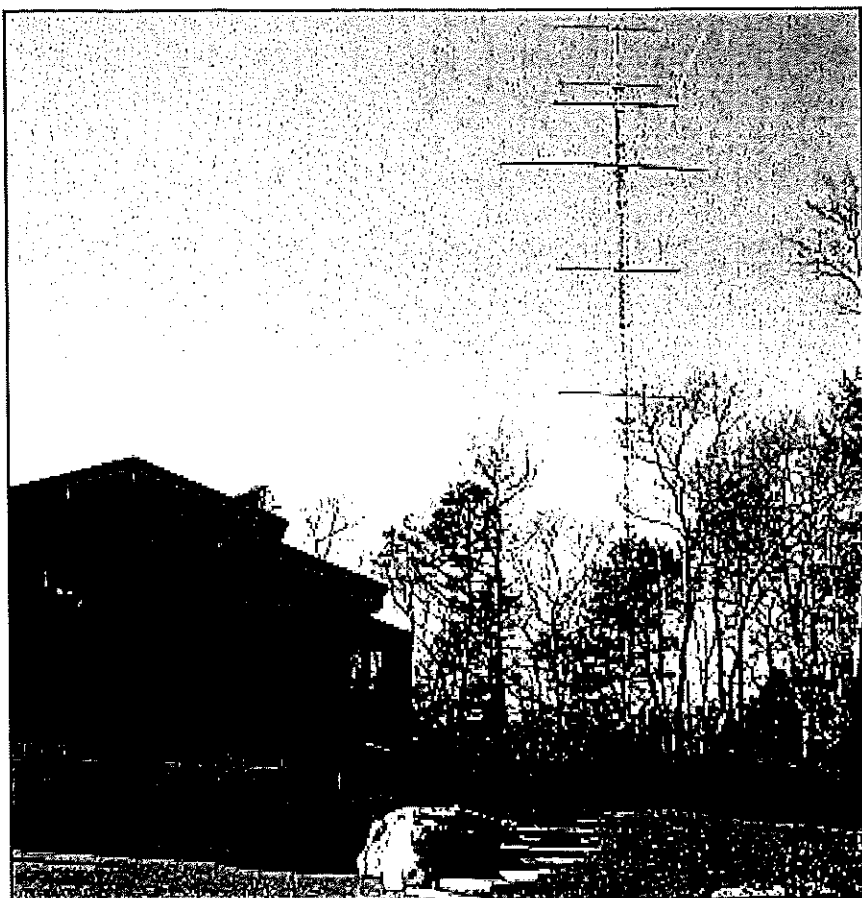


Fig. 2— W1XX's new home was built with ham radio in mind and his tower is well-shielded from view by the neighbors ... except from another hilltop a half-mile away in the next town. (Photo by N1CX)

antenna tower without any repercussions? I know several. My guess is that 50% of amateur towers are, let's say, not quite legal.

If you contemplate putting up an amateur radio tower, that's probably the first question you will have to answer: Do I get a building permit? You can't press the "easy button" on this one. The answer will depend on a lot of factors. Every case is different. Here are a couple of examples that may guide you.

Scenario #1: You live (or contemplate buying) in a housing development or neighborhood of houses built on quarter-, half-, or even acre-size lots. You can see some of the other houses. Decision: You had better contemplate getting a permit prior to tower installation.

Scenario #2: The property in question is high on a hill hidden in the woods on a private drive leading to your ham radio heaven of 5-plus acres. You can barely see other residences through the trees. This aptly describes the property my wife and I purchased on which to build a retirement home complete with a beautiful amateur radio tower with HF

and VHF antennas. After consultation with knowledgeable hams in the area (we were relocating from a different state), we adopted the "erect first and (if necessary) apologize later" approach. In most cases, I believe it would have worked. Unfortunately, things backfired for us. More on that later.

Know the Regulations

Regardless of which approach you take, knowing your local town ordinances prior to taking any action or making any decisions with regard to towers is a must. Many cities and towns now post ordinances online, which makes your research job somewhat easier. If they don't, put on a disguise (I'm only half joking here), or send someone to the town hall to pick up a complete copy of the building regulations without letting on why you want them. Paranoid? Maybe so, but going to officialdom with all the wrong questions from the outset could shoot you down before you have even started.

You have accessed your town's

Building Code. Here's where you may need some professional help in interpreting the Building Code. I actually did that and still felt safe proceeding to "erect first." You will find copious references to cellular towers. They do not apply. Study every part of the Building Code. The saving grace in my particular situation was tucked away in a section dealing with church steeples and barn silos, the significance of which I did not recognize at the outset. I subsequently learned this from the town's Building Official (in many jurisdictions referred to as the Building Inspector). How cool was that?

You probably will find that there is a height limit to any structure, including ham towers. In my area it's 35 feet. If you can live with that, you should have no further problem. If you have loftier goals, as did I, read on, Macduff.

When Your Tower is Not a Tower

The word *tower* conjures up all the wrong images to the uninitiated. In ham radio, we know it's a beautiful thing. However, say the word *tower* to any city official and images of cellular phone, broadcast radio, and TV and commercial two-way radio behemoths come to mind. "You want to put up a tower in a residential neighborhood in this town? Are you joking?" Delete the offensive word from your vocabulary whenever speaking to officials. Refer to it in all future official dealings as an *antenna support structure*, but we will continue to call it a tower here for purposes of clarity and saving print space.

My Personal Saga Continues: Time to Apologize

My tower went vertical in early June 2006 situated on a pad of five cubic yards of concrete. Each of the guy anchors was secured in a cubic yard of concrete with a rebar cage, as specified in the manufacturer's engineering drawings—i.e., all according to Hoyle. It sat vacant for over a month and drew no attention except from me as I gazed lovingly at it daily. During the lull, I was busy in my garage putting together the tri-band beam, 40-meter 2-element Yagi, and stacked beams for 6 and 2 meters. The antennas were installed in July.

Hours, days, and months of DXing and contesting bliss followed, until one day a certified letter arrived in the mail from the town's Building Official. Uh oh, trouble in River City!

From a veritable precipice over a half-mile away in the next town, my tower was visible and had violated

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

TOWN OF SOUTH KINGSTOWN
ZONING BOARD OF REVIEW

SUPPLEMENTAL INFORMATION
IN SUPPORT OF THE FINDING
BY THE
ZONING ENFORCEMENT OFFICER
AND
SUPPLEMENT TO AN APPLICATION
FOR A BUILDING PERMIT UNDER
§502.03

PLAT 78-1, LOT 3



JOHN F. LINDHOLM
48 SHANNOCK ROAD
401-783-1588
E-MAIL: WJXX@COX.NET

FRED HOPENGARTEN, ESQ.
SIX WILLARCH ROAD
LINCOLN, MA 01773-5105
781/259-0088; FAX 419/858-2421
E-MAIL: HOPENGARTEN@POST.HARVARD.EDU

APRIL 11, 2007

APRIL 12, 2007

SOUTH KINGSTOWN ZONING BOARD OF REVIEW

PAGE 1

Fig. 3—The supplement to the application for the tower's building permit. This is the 59-page document that saved the tower.

someone's sense of aesthetics ... a clear case of NIMBY (not in my back yard). Here's the short version of what happened next: The Building Official accepted my tardy apology and application for a building permit and advised the complainers that I was well within my rights; but they appealed to the Zoning Board of Review (ZBR), which scheduled a public hearing. That triggered the realization that a full-scale defense would have to be undertaken.

Back to Your Situation: Do You Wave PRB-1 in Someone's Face?

You have studied and fully understand the local Building Codes. You have found the supporting paragraphs and

are ready to apply for a building permit. Determine the parameters of the potential minefield you now have to negotiate. Try not to ask questions for which you do not already have the answers. Prime objective: getting a building permit from your town's building department. If it's going to be a no-hassle experience, you may need only a minimum of documentation—an engineer's or manufacturer's drawing, copy of your license, plot plan, cost estimate, and whatever your Building Official requires for any construction project.

Let's talk about PRB-1, the FCC limited preemption of local ordinances, mandating a "reasonable accommodation with minimum regulation" with regard to amateur antenna and tower

installations, now ensconced in Section 97.15(b) of the FCC rules. It, along with the 23 states that have adopted similar language (my state had not), is a nice arrow to have in your quiver, but subject to significant interpretation and thus significant litigation if necessary. Go to <http://www.arrl.org> and bone up on PRB-1. You will probably want to provide a copy of the conclusions (short version) of PRB-1 when applying for your building permit. However, waving it in the official's face with impetuous demands is a no-no. Good manners will do much better.

A bureaucrat must, of necessity, cover his or her fanny with whatever documentation is required to justify issuance of a building permit. The Building Official is not really out to give you a hard time (it will only seem that way!). Approving amateur radio antenna tower installations is not an everyday occurrence. It may raise all sorts of red flags at city hall. It's up to you to provide beaucoup documentation to bolster the decision to issue the permit.

At some point it will become obvious that it's either clear sailing for your tower to go legally vertical or that a protracted struggle lies ahead. We always hope for the former. In my case, notification of a formal zoning hearing signaled the latter. What follows will outline steps to be taken when your tower (or potential tower) is under legal attack.

Do I Hire a Lawyer?

Your predicament at this stage is one of the following: (1) The Building Official is balking at issuing the permit for whatever reason, or simply requiring more documentation; (2) The Building Official has already rejected your application for a building permit; (3) There is some citizen outcry blocking permit issuance; (4) A Zoning Board meeting is scheduled to hear the merits of your application. It may be some combination of the above.

Before you proceed further, you must be prepared to go "all the way"—an all-out battle. The legal struggle that may follow could cost you as much as, or more than, the tower installation itself! Never let on to anyone that you are not committed to see this through to victory. Imply that you'll go bankrupt before you surrender! Even if you do not have a large bank account (I will show you how to keep your costs reasonably in check), always project a determined persona.

An all-encompassing treatise in support of your tower application needs to be written. It will be lengthy and cover every issue and potential objection to your tower installation. It will require

many hours to compose. Being essentially a legal document, it will require professional supervision to produce. Who is going to write it?

Before that is determined, you need to do some more research:

Step 1: Purchase from your favorite bookstore (and study), the ARRL publication *Antenna Zoning for the Radio Amateur*, by Fred Hopengarten, K1VR. Fred is a communications law attorney and has written the definitive book on the subject.

Step 2: Contact the closest ARRL Volunteer Counsel (see the ARRL website), who will give you a free initial consultation on your situation; more on this to follow.

Following steps 1 and 2, you may see the task before you appears monumental. Do not despair. All good things come to those who have the right approach, but you will now have to determine if you need to retain a lawyer.

Besides pocketbook issues, the severity of the opposition will play a role. Advice: If you really want a tower to your specifications, don't go cheap! Remember, the objective now is to produce a supplement to your building permit application, or, what I call the "killer document." Here are some probable scenarios.

Scenario #1: Your funds are severely limited. Write the supplement yourself, relying heavily on the Hopengarten book. This is not recommended unless it's your only option. Hopefully, the opposition to your tower is not strong.

Scenario #2: You have good writing skills and retain either the VC or a local attorney to oversee your writing of the supplement. This will save you considerable cost while getting professional direction. This was the approach I took.

Scenario #3: Turn the matter over entirely to an attorney to represent you. Obviously, this will be the costliest approach and—believe it or not—perhaps not the best.

Let's talk a bit more about retaining an attorney. First of all, keep in mind the VC is a ham and understands antenna zoning. He (or she) does it for a living. Thus, beyond the initial consultation, advice is not free. Expect to pay an initial retainer to cover his expenses and time that may run up to \$200 per hour or more. Is it better to hire a local attorney, who may be cheaper? Others in this situation have suggested that bringing in a local attorney not well versed in amateur radio antenna zoning matters can be counterproductive, as it will take time for you to bring him up to speed. On the other hand, a local attorney may

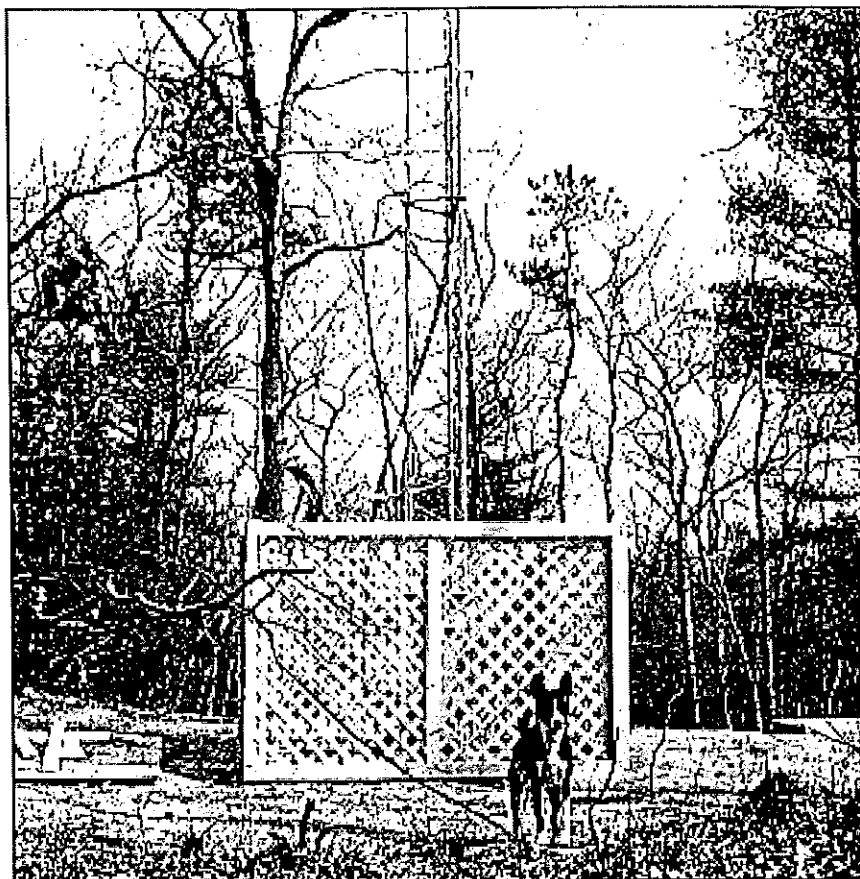


Fig. 4— The author's ferocious dog guarding the tower from intruders. Note that the fence serves as an anti-climbing device. (Photo by KB1LN)

have considerable political sway. Hiring an out-of-town legal expert may be negatively perceived as a "gunslinger." It's a determination you will have to make.

It's Time to Write The "Killer" Document

For both economic reasons and confidence in my own ability to write a cogent sentence, I chose scenario #2: I would write the document (see fig. 3) under the watchful eye (via e-mail) of a paid professional. This would be a full-time job for over two weeks and the most important "term paper" (ham radio-wise) that I had ever authored. Let's outline the format and issues one by one that need to be addressed, referencing supportive exhibits (Exhibit A, etc.).

Title Page: States the area of jurisdiction, controlling ordinance, your name and address, date.

Table of Contents

Executive Summary: In no more than two pages, state the essence of the case and the relief sought.

Zoning Compliance: If applicable, detail the relevant zoning ordinance

with which your application for a tower is compliant.

Reference the Communications Act of 1996: Pray that your opposition fumbles by attempting to shoot you down on the basis of the limited preemption of local zoning contained in the Communications Act of 1996. The term *personal wireless services*, contained therein, refers by definition to commercial services. It does not apply to amateur radio.

Description of the System: Describe the antenna support structure and antennas in detail. Give a simple explanation of the physics of radio propagation that determined the tower height. Provide exhibits from the manufacturer on wind loading and proper installation. Describe visual impact with maps annotated with distances to lot-line setbacks and nearest neighbors.

Safety Issues: Your insurance agent should be able to provide you with a letter that your standard homeowner's policy provides liability coverage due to failure of an amateur radio antenna system structure, without additional premium. In addition, include a photo of a

Randall & GMAC REALTORS

Box 422, 1101 East Road, South Kingstown, RI 02881 Telephone (401) 354-1399 Fax (401) 354-2542
April 5, 2007

To Whom It May Concern:

RE: 48 Shannock Road, South Kingstown, RI

The following research has been done to determine if the presence of radio towers in the Shannock Road neighborhood has had a negative impact on property values. I have researched real estate sales in South Kingstown in the period of January 1, 2004 - April 1, 2007. The year 2004 was selected based on the year the subject property with the tower in question was built. This was to ensure the analysis was a window on the market place for property that could have been affected by the presence of a radio tower at 48 Shannock Road. The research initially was two segments of the single family real estate market in South Kingstown. They are:

1. All single family sales in South Kingstown 02881-02882, 1900 sales are recorded
2. All single family sales in the neighborhood of the old Verizon commercial radio tower and 48 Shannock Road tower. The streets included are Lab Hill Rd, Falgout Ct, Whipps Hill Dr, Windwood Valley Rd, Fox Rd, Shannock Rd, Route 18. 11 sales are recorded

The analysis of the data (1) above shows that the average property sold at 95.5% of the asking price and took 87 days on the market to sell.
The analysis of the data (2) above shows that the average property in this group sold at 93.15% of the asking price and took 96 days on the market to sell.

Further research of single family property values in the immediate area of the Verizon and 48 Shannock Road towers reveals that the South Kingstown Assessor's recent re-evaluation completed, 3/16/07, indicate an average 71% increase in assessments.

Based on the data and my knowledge of the market it is my opinion the presence of the radio towers has not had a negative impact on property values. In fact, the market group "2" in the tower's neighborhood experienced a slightly higher selling price and shorter days on market than the general South Kingstown marketplace.

In my professional opinion, in the cases cited, the presence of a radio tower has not affected property values negatively.

I am a broker licensed since 1977, a member of the National Association of Realtors, with GRI and CRR designations.

Faith Labossiere
Faith Labossiere
Associate Broker License # RI11466
Randall Realtors, DMAR



Equal Housing
Opportunity

Equal Housing
Opportunity

Equal Housing
Opportunity



Fig. 5— Exhibit X was the real estate broker's market analysis of neighborhood properties. It showed that the presence of an amateur radio tower has no effect on property values. An SASE to the author will get you a copy.

standard "anti-climbing device" to be used to discourage any inquisitive neighborhood children (see fig. 4).

Potential for Radio Interference: The question of potential for RFI has been completely preempted by federal law with exclusive jurisdiction reserved to the FCC. State or local law has no standing in such matters. It is wise, however, to point out that you are the good-guy radio amateur who pledges to cooperate with any affected individual.

Environmental Effects: Contrast amateur intermittent operation of over 50% listening to commercial broadcast. Based on your power output, after feed-line losses, calculate the worst-case scenario power density at your nearest neighbor as a percentage of the American National Standards Institute (ANSI). Mine was a mere 2.975%. Con-

tact Ed Parsons, K1TR, for his PWR_DENS V3.0 calculation program, or use the on-line calculator from Ken Harker, WM5R, found at <<http://n5xu.ae.utexas.edu/rfsafety/>>. Point out that the higher the antenna, the lower the exposure. And finally, point out that on FCC Form 605 used to obtain or renew a license, one must certify the following: "Amateur Applicant certifies that the construction of the station would NOT be an action that is likely to have a significant environmental effect."

Property Values: I requested a professional market analysis by a respected real estate broker in my area, the conclusion of which was that the presence of a radio tower does not negatively affect property values. (See fig. 5, copies available for an SASE.)

Federal Preemption, PRB-1: You will

need some professional guidance here as you point out in detail the significance of PRB-1, citing extensive precedent-setting case law that supports your position. Your objective here is to show that not only is your tower reasonable and permitted by the law, but that any attempt to deny your rights will be met with severe retribution! (Read: "I'll sue the pants off you!") Rely heavily on the Hop-engarten book to quote case-law excerpts verbatim.

Conclusion: State the desired action.

Exhibits

Include all the supporting documents of the above points in chronological order, plus the following:

- A copy of your amateur radio license.
- Your amateur radio resume. Make sure this includes membership and credentials in your local Amateur Radio Emergency Service or Emergency Management affiliation.
- TOWAIR Determination Results. Use Google® or another search engine to determine whether FCC or FAA registration is required.
- Press reports on amateur radio in Hurricane Katrina, etc.
- A site plan.
- Letters of support from abutting neighbors. Don't shy away from visiting abutting neighbors with a form letter in hand for their signatures. Point out the positive aspects of your emergency communications capability, an asset to the community. I was pleasantly surprised by the warm reception I received from neighbors, many of whom I had never met.
- Any other documents pertinent to your particular situation.

My killer document weighed in at a total of 59 pages, including exhibits A through Y. Yours might require even more. Take it in CD format to your local printer to make as many plastic-ring bound copies as may be needed. If a zoning hearing is on your calendar, distribute to each commissioner and any ex-officio participants at least a week before the hearing.

Zoning Hearing

A zoning hearing will require a formal presentation either well-rehearsed by you or by your attorney. A PowerPoint® presentation will focus on the key points. Project a friendly but knowledgeable command of the subject and determination in your quest, but keep it short. Enlist support from your local amateur radio community to attend, as

you are a test case for their tower aspirations, but no bizarre hats with blinking lights and rotating miniature antennas in the audience! Exhibit support with reserved decorum. Have a couple of well-spoken amateurs briefly present support on a single issue, such as the value of emergency communications to the community.

The Happy Ending to My Story

After my killer document had been completed and distributed to the members of the Zoning Board well prior to the hearing date, my consulting attorney directed I give a copy to the complainants a day in advance of the hearing. "No, I don't want to do that!" Case in point: Listen to professional advice. Reluctantly complying, the evening of the hearing came with a full audience of supportive hams from all over the state. It seemed like a hamfest, except no funny hats! We were number two on the agenda.

Número uno seemed like a perfectly reasonable request to put up a cellular tower on commercial property. But no ... denied! It was not looking good. Then, however, redemption for all the hard work. Upon reading the strength of the arguments for the tower, the complainants sent word that their objection was withdrawn. Hallelujah! Procedurally, the matter was withdrawn with prejudice, meaning it could not be resurrected. Great rejoicing with ham friends followed outside.

In due course, the building permit was issued, the site inspected and found in compliance, and a final use permit issued. "Hello DX on 20 meters!"

Mega Thanks

This success story could not have been written without the help of many others. They include: my lovely, supportive, wife Carolyn; Fred Hopengarten, Esq., K1VR, who reviewed the draft of my application supplement and this article; the CTRI Contest Group; Rhode Island ARES; Kevin Gallup, Director Charlestown (RI) Emergency Management; Matt Strelow, KC1XX, President XX Towers; Faith LaBossiere, Associate Broker, Randall Realtors, GMAC; my dog Ito, who posed in front of photographs of the tower; Bobby Rogers, KB1LN, photographer; and radio amateurs everywhere who provide emergency radio communications capability.

I hope my experiences help other tower aspirants navigate the sometimes torturous path to their own tower story of success.

Volunteer Monitor Program

Volunteer Monitor Program

The ARRL Volunteer Monitor program is a formal agreement between the FCC and ARRL. Volunteers trained and vetted by ARRL monitor the airwaves and collect evidence that can be used both to correct misconduct or recognize exemplary on-air operation. Cases of flagrant violations are referred to the FCC by ARRL for action in accordance with FCC guidelines.

This program re-energizes enforcement efforts in the amateur radio bands. It was originally proposed by the FCC following several FCC regional office closures and a reduction in field staff.

Under this program, the FCC gives enforcement priority to cases developed by the Volunteer Monitor program, without the delay of ARRL having to refer cases through the FCC online complaint process.

Candidates who possess the required skills are encouraged to apply using the application [HERE](#). Applications will be reviewed and candidates notified.

Read the MOU between the FCC and ARRL establishing the ARRL Volunteer Monitoring Program [here](#).

Download Documents

- [Skills Requirement-](#)

Volunteer Monitors are required to meet a minimal skill set requirement.

[Read More](#)

- [How do I apply to become a Volunteer Monitor?+](#)

Volunteer Monitor Application

Call Sign: _____ License Class: _____ Year licensed: _____ ARRL Section: _____

First name: _____ Last name: _____

Address: _____

Address 2: _____

City: _____ State: _____ Zip Code: _____

e-Mail: _____

Telephone

(Day): _____

(Night): _____

(Cell): _____

Station Capabilities (check all that apply)

HF ☐ VHF ☐ UHF ☐ SHF ☐

Phone ☐ CW ☐ Digital ☐

Computer Skills:

- ☐ Basic; use e-mail.
- ☒ Advanced; Use internet search engines, use e-mail to save and send files, create and edit documents, able to download, install and use applications, digital recording.

Have you ever received a warning letter or other enforcement action from FCC? No ☒ Yes ☐

Volunteer Monitor Application

Please explain why you wish to become a Volunteer Monitor. (Type or paste your text in the box)

E-mail this completed form to Riley Hollingsworth at email: k4zdh@arrl.net

January 2023 activity report of the ARRL VM Program

The Volunteer Monitor (VM) Program is a joint initiative between the ARRL and the Federal Communications Commission (FCC) to enhance compliance in the Amateur Radio Service.

- A Warning Notice for unlicensed operation on 146.520 MHz was issued to a trucking company in Washington.
- A Commendation was issued to an Amateur in Pennsylvania, for exemplary operation on 7.222 MHz, taking extra steps to assist Amateurs with settings for ALC, microphone gain and bandwidth to obtain the most efficient and considerate operation on SSB.
- A Commendation was issued to a an Amateur in Idaho for courteous and valuable assistance to new and less active Amateur operators.
- Advisory Notices were issued to Technician Class Amateurs in New York, Colorado, and Texas for FT8 operation on 40 and 15 Meters. Technicians have no data privileges on those bands.
- Advisory Notices were sent to Technician Class licensees in Florida and New Jersey for FT8 operation on 20 Meters. Technicians have no operating privileges on 20 Meters.
- An Extra Class licensee in Mississippi was issued an Advisory Notice for willful and deliberate interference on 3.927 MHz, and the licensee was informed that additional instances would be referred to the FCC for enforcement action, including fine or license revocation.
- A VM Alert was issued on January 31, 2023, for a constant carrier on 7.195 MHz. The matter was subsequently referred to the FCC.

The final totals for VM monitoring during January 2023 were: 2,209 hours on HF frequencies, and 3,773 hours on VHF frequencies and above, for a total of 5,982 hours.

Riley Hollingsworth, K4ZDH, Administrator

Volunteer Monitor Program

July 2023 activity report of the ARRL VM Program

The Volunteer Monitor (VM) Program is a joint initiative between the ARRL and the Federal Communications Commission (FCC) to enhance compliance in the Amateur Radio Service.

- Advisory Notices were issued to Technician operators in Pennsylvania and Colorado for FT8 operation on 20 and 17 Meters. Technicians have no data privileges on those bands.
- An Advisory Notice was issued to an operator in Florida for obscenities and deliberate interference on 7.205 MHz, and to an operator in West Virginia for operation on five dates consisting of interference and improperly wide signals. The operator was reminded that FCC rule 97.307(a) requires that no amateur station use more bandwidth than necessary for the information rate and emission type being transmitted.
- An Operator in Massachusetts received an Advisory Notice for operation too close to the band edge (14.100.1 MHz), resulting in out of band operation.
- An operator in California received an Advisory Notice for deliberate interference and "holding" a frequency on 20 Meters.
- The case of a Technician licensee in Tennessee continually ignoring Advisory Notices about FT8 operation on non-Technician frequencies is in preparation for FCC referral, which may include forfeiture (fine) or license revocation.
- Good Operator Commendations were issued to operators in Texas and Indiana for exemplary operation and assistance to new licensees on 7.188 MHz; and to an operator in Arkansas for displaying exceptional skills and courtesy during his June VOTA activation.

The totals for VM monitoring during July 2023 were: 2,159 hours on HF frequencies, and 2,651 hours on VHF frequencies and above, for a total of 4,810 hours.

Riley Hollingsworth, K4ZDH, Administrator

Volunteer Monitor Program

June 2022 activity report of the ARRL VM Program

The Volunteer Monitor (VM) Program is a joint initiative between the ARRL and the Federal Communications Commission (FCC) to enhance compliance in the Amateur Radio Service.

- An Extra Class operator in North Carolina was issued an Advisory Notice concerning transmitting music on 160 Meters. He was also advised that transmission of racial slurs, sexual innuendos and any previous felony convictions could become issues in his license renewal hearing.
- A General class operator in Colorado received a Notice of Violation from the FCC concerning an uncontrolled carrier on 7.033 MHz from his remote station in Colorado during the previous month.
- An operator in Texas received a Good Operator Commendation for his work on the North Texas Section of the Sidewinders on Two net in which he assisted with propagation checks from operators in four states, as well as assisted and encouraged newcomers.
- Technician operators in Illinois, Massachusetts, Michigan and Arizona received Advisory Notices concerning FT8 operation on 20 Meters. Technician operators have no authority to operate on 20 Meters.
- Technician licensees in South Carolina and West Virginia received Advisory Notices concerning FT8 operation on 40 meters. Technicians have only CW privileges on 40 meters.
- General class licensees in Florida and Pennsylvania received Advisory Notices concerning operation in the Extra Class portion of 20 Meters.

The final totals for VM monitoring during June 2022, were 1,676 hours on HF frequencies, and 2,099 hours on VHF frequencies and above, for a total of 3,775 hours.

Riley Hollingsworth, K4ZDH, Administrator

ARRL Volunteer Monitor Program

- How To Report A Possible Violation to ARRL-

To report clear violations of FCC Part 97, particularly instances of unlicensed operation, repeated deliberate interference, and operation outside of a licensee's authorized frequencies, send the report via email to Riley Hollingsworth (K4ZDH), ARRL Volunteer Monitor Administrator, at K4ZDH@arrrl.net.

Important: include the following information in your report...

- Frequency (MHz) of incident:
- Time of incident (UTC):
- Date of incident:
- Call sign(s) of station(s) being reported:
 - If a repeater, call sign of repeater involved:
- Description of alleged incident being reported:
- Your full name (person submitting report)
- Your call sign:
- Your email address:
- Your phone number:

All reports will be acknowledged, reviewed, and the person submitting the report will receive a response as quickly as possible.

Volunteer Monitor Activity Reports

Year 2023

- =

VM Summary for January 2023 VM Summary for July 2023

AmateurRadio.com

International Ham Radio News & Opinion



HAM RADIO DELUXE SOFTWARE
The Radio Amateur's Best Asset
www.HamRadioDeluxe.com

[Home](#)

♦ FCC Enforcement Actions

📅 5 July 2024 | by [Bob KØNR](#) | [Share](#) | Post | [Leave a Comment \(2\)](#)



When teaching ham radio license classes, I often get asked whether the FCC enforces the Part 97 rules and regulations. That is, how likely is it that the FCC would come after me if I violate the rules? This same question surfaces concerning the General Mobile Radio Service (GMRS).

This morning, I looked at the [FCC Enforcement Actions](#) page, to see what's there. First off, there are a ton of actions against unlicensed FM broadcast stations, in response to the PIRATE Act pass by Congress in 2020. There are also many actions against people operating RoboCall systems via telephone. If you find yourself bored, go ahead and read through these enforcement actions.

Here are some actions taken by the FCC concerning Amateur Radio and GMRS in the past few years:

In June 2022, the FCC sent a [Notice of Violation](#) to David Dean, K0PWO, concerning a continuous carrier signal on 7.033 MHz from a remote station near Fairplay, Colorado. I recall there being a ruckus about this incident in the ham radio community but I did not know it resulted in a Notice of Violation.

In June 2022, the FCC issued a [Notice of Apparent Liability](#) (FCC talk for "we are fining you") of \$34k to Jason Frawley, WA7CQ. The FCC says that Frawley used his ham radio to transmit on frequencies allocated and authorized for government use during the Johnson wildfire near Elk River, Idaho.

In November 2022, the FCC sent a [Notice of Violation](#) to David Dean, K0PWO. (This is the same person with the stuck transmitter in June 2022.) The FCC received a complaint from the State of Colorado that someone (later found to be Dean) had an illegally cloned radio transmitting on the State's digital trunked radio system (DTRS) without authorization.

In June 2023, the FCC issued a [Notice of Violation](#) to Martin Anderson, GMRS WQQP653 in Vancouver, WA. This relates to a stuck transmitter, apparently due to a faulty transceiver at a repeater site. It transmitted continuous, unmodulated signals on the frequency of 462.725 MHz.

In August 2023, the FCC issued a [Notice of Violation](#) to Jonathan Gutierrez, GMRS license WRTD259 in response to a complaint of intentional interference to a 462.625 MHz repeater in Mt. Holly, Pennsylvania.

In August 2023, the FCC issued a [Notice of Violation](#) to Alarm Detection Systems, licensee of radio station WQSK406 in Louisville, Colorado. This is not ham or GMRS-related but involves a business band radio on 460 MHz. Apparently, the company continued to operate legacy "wideband" FM radios after the FCC

required business band radio users to switch to “narrowband” radios (12.5 kHz channels). I found this interesting because it is an action related to the use of improper radio gear and emission type.

In May 2024, the FCC issued a Notice of Unlicensed Operation to Skydive Elsinore, LLC, a skydiving company in Lake Elsinore, CA. This company was transmitting in the 70 cm amateur band on 442.725 MHz without a proper license.

From these notices, we can see that the FCC does enforce amateur and GMRS rules, but not as often as we’d like to see. Usually, the situation has to be a big nuisance before it escalates enough for the FCC to take action. If you make a simple mistake once or twice, you are highly unlikely to be cited. If you are a more consistent or flagrant rule breaker, then you might get a visit from the FCC.

Remember that the ARRL has the Volunteer Monitor program, operating under a formal agreement with the FCC, that can assist with on-the-air violations.

73 Bob KØNR

The post FCC Enforcement Actions appeared first on The KØNR Radio Site.

Bob Witte, KØNR, is a regular contributor to *AmateurRadio.com* and writes from Colorado, USA. Contact him at bob@k0nr.com.

2 Responses to “FCC Enforcement Actions”

- *Larry Wheeler W9QR:*
5 July 2024 at 23:13 UTC

Thanks Bob,

Several years ago a 75 meter group experienced intentional interference by a station that transmitted fan noises. The operator knew that notch filters are ineffective for that type of audio. I called the FCC’s Watch supervisor and asked him to tell me where the signal was originating. He was reluctant to be of help at first. I told him that I just had a meeting with some of the attorneys at the FCC during a Washington business trip and had been assured of the Commission’s assistance. The Watch Supervisor said, “Just a moment.” Within a couple of minutes he gave me the location of the interfering station.

A mention of that phone call on the air, was all it took.

73, Larry W9QR

- *N4GKS:*
1 September 2024 at 21:20 UTC

Show us something new. Not years old.

Leave a Comment

Name & Callsign (required)

E-Mail (will not be published) (required)

News

Redesigned FCC Website Makes it Easy for Hams to File Interference Complaints

TAGS: [additional information](#), [amateur radio.](#), [arrl](#), [change](#), [Click](#), [complaints](#), [field](#), [hams](#), [interference complaints](#), [new feature](#), [page](#), [radio amateurs](#), [rf interference](#), [statistical analysis](#), [target](#), [thanks](#), [web form](#), [website](#)

01/06/2016

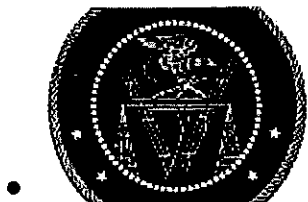
Radio amateurs once were the target of interference complaints filed with the FCC. Now, the FCC has made it easier for hams to file their own RF interference and other complaints, thanks to a new feature of the FCC's recently redesigned [website](#). The addition was made at the ARRL's request. Hams have always been able to file such complaints, but when a new system geared largely to consumers came online a year ago, they lost the ability to do so via e-mail to a dedicated address. The change made it less clear how amateurs should file such complaints and what, if anything, would result.

Once on the FCC site, click "File a Consumer Complaint" on the right side of the screen. The next page lists several categories. Under "Radio," click on "File Complaint." This will take you to a web form that you can fill out. The form includes a dropdown menu for the "Radio Issues" field. Pick one, such as "Interference." This will bring down another menu. The "Your Radio Method" field includes another dropdown menu. Select "Amateur Radio." Complete the rest of the form. It is possible to add attachments. Click on "Submit" to file your complaint. As they say in those late-night TV ads, "It's that easy!"

The FCC e-mail addresses for submitting complaints have been discontinued; they had been rendered ineffective by spam.

Each complaint is assigned a ticket number, and complainants receive an e-mail acknowledgment and, if appropriate, a follow-up report on what was done to address the complaint. Many complaints are simply acknowledged, however, and the complainant is told that it will be used for statistical analysis. A complainant can update a complaint with additional information.

Photo Gallery



[Back](#)

[News & Features](#) >> News

EXPLORE ARRL

5 Question Take Home Exam

- 1. Can a city or town government pass an enforceable law specifying exactly how tall a HAM radio antenna can be erected?**
- 2. What are the chances a convicted sex offender can get his HAM license renewed?**
- 3. Why is Amateur Radio considered so significant to our government?**
- 4. Can an illegal alien get a HAM license?**
- 5. If the proposed law regarding restrictions of antennas on private property including homeowner associations passes, why can't you put an antenna on the roof of your APARTMENT HOUSE?**