

Congress of the United States
House of Representatives
Washington, DC 20515-4402

October 21, 2005

Mr. Gary Zabriskie
PO Box 422
Santa Clara, UT 84765-0422

Dear Mr. Zabriskie,

Thank you for your comments concerning amateur radio. I appreciate your interest in the issues facing our country and our state, and I am glad for the opportunity to respond to your inquiry. By contacting me on issues of importance to you, I am better able to represent Utah in Congress.

I value the contributions of amateur radio operators in our state, particularly during times of crisis. Amateur radio operators should be able to engage in a valuable hobby and easily contribute to their communities during emergencies. In order to protect the interests of amateur radio operators, the Federal Communications Commission (FCC), which regulates all radio and telecommunications operations, ruled in 1985 that state and local regulations must "reasonably accommodate" amateur radio antennas. However, the FCC has not interpreted this ruling to mean that private land developments, including planned communities and subdivisions, are superseded by federal law since they are organizations and agreements which are entered into voluntarily.

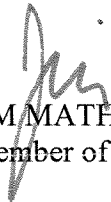
HR 3876, the Amateur Radio Emergency Communications Consistency Act, would extend the FCC's ruling to private developments. This legislation expands the federal government's ability to regulate private, voluntary organizations and prohibits their local decision-making and enforcement capabilities.

While I understand your concerns about restrictions imposed on amateur radio operators by local planning commissions, it is important to work toward solutions that can meet the needs of both parties and allow amateur radio operators to continue to provide valuable services in their communities. The West and Utah are unique in that their challenges and community needs are not always best addressed by the federal government. I think that the best decisions are made by including stakeholders, citizens and local leaders within a community. I believe that this issue should be handled at the state or local level rather than by the federal government.

As Congress considers this legislation or similar legislation, I will carefully weigh the needs of amateur radio operators and of local communities. I understand the importance of amateur radio issues to you, and will keep you informed about this issue.

Again, thank you for sharing your concerns with me. Hearing from you is very important to me. If you have any other questions or comments, please feel free to contact my office.

Best Wishes,



JIM MATHESON
Member of Congress

P.S. Please sign up for my e-newsletter at www.house.gov/matheson

JM/nb