

February 2, 2008

Mr. Julius Knapp
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

cc: Chairman Martin
IG Kent Nilsson
Commissioners Tate, McDowell
Copps and Adelstein

Re: Alfred Mann Foundation and experimental license

Dear Mr. Knapp, Chairman Martin, IG Nilsson and Commissioners Tate, McDowell, Copps and Adelstein,

I am writing to inquire about FCC regulations governing the experimental license awarded to the Alfred E. Mann Foundation, and follow up on complaints that were made in writing to the FCC. As an amateur licensee, I am familiar with FCC regulations governing the amateur spectrum, however it seems that while the Mann Foundation is using spectrum within amateur band plans and spectrum, they operate as though they are exempt from all rules and regulations.

It is important to note that in 2002, I sent written complaints to the FCC that the President of the Alfred Mann Foundation, Joseph Schulman, was using his amateur license (K6BWA) to conduct research efforts at the Mann Foundation using 224.840 MHz repeaters that were coordinated with the ARRL and area repeater coordinator. This was in violation of FCC regulations because the research efforts were intended to further "for profit" research endeavors and develop intellectual property that Mann eventually sold via Advanced Bionics to Boston Scientific. These research efforts, in addition to being pecuniary in nature, were being conducted unlawfully by using FCC regulated spectrum and an Amateur license to interact with medical devices that were implanted in research subjects without informed consent, and in a cruel and malicious manner in violation of sections 240, 242 and 245(a) of California State Penal Code. Now, rather than pursuing any disciplinary action, the FCC has given the Mann Foundation special "experimental" access to the same 224 MHz area of spectrum that was previously used unlawfully, and it seems that this "experimental" license allows the Mann Foundation to circumvent accountability as well as rules governing use of this spectrum.

According to a response to my FOIA request, the FCC has lost or misplaced these earlier complaints, and I was advised I could re-file the complaint. I have re-filed the complaint as requested, submitted the complaint in writing through appropriate channels, and am now submitting this complaint alleging that improper and unlawful use of FCC spectrum continues, and that individuals affiliated with the Mann Foundation continue to interact with these residual medical devices in a cruel and unusual manner that violates sections 240, 242 and 245(a) of California State Penal Code as well as other federal statute.

In response to the experimental license awarded to the Mann Foundation, this new complaint, and previous complaints made to the FCC through appropriate channels, I am requesting answers to the following questions:

1. How many individuals, repeaters or auxiliary stations are permitted to operate under the Mann Foundation "experimental" license? Can numerous individuals operate in different regions using this one license?

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2. How are communications made under the Mann Foundation experimental license identified? Is a call-sign associated with the Mann Foundation license? Is this call-sign required during communications to identify the source of the communications?
3. What are the rules and regulations governing the operation and use of spectrum under the Mann Foundation license? Is the Mann Foundation required to obey all state and federal laws while conducting their research when using FCC regulated spectrum? How do the rules and regulations differ from that of amateur licensees?
4. Has any disciplinary action been pursued against Joseph Schulman K6BWA, in response to proven allegations that he was using 224.840 MHz repeaters under his amateur license for unlawfully conducted "for profit" research endeavors at the Mann Foundation and Advanced Bionics? Has disciplinary action been pursued against the Alfred Mann Foundation, and if not, then why?
5. What investigation, oversight or inquiry has been made in response to this current and previous allegations and complaints?

In closing, the Mann Foundation continues to use FCC regulated spectrum and the experimental license awarded to them in a criminal, egregious, negligent and unlawful manner and I respectfully seek answers to the above questions. Thank you for your attention in this important matter.

Sincerely,

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