



The World's Weather Authority™

Office of the Executive Vice President

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April 22, 2003

General John J. Kelly, Jr.
Assistant Administrator for Weather Services
National Weather Service – NOAA
Room 18150
Silver Spring Metro Center II
Silver Spring, MD 20910

Via Fax: 301-587-4524
Original by Regular Mail

Dear Jack:

I am writing to you in your official capacity as Assistant Administrator for Weather Services. Please consider this to be formal complaint under the Implementation Section of the Policy Statement of the Weather Services/Private Sector Roles – The National Weather Service and the Private Weather Industry: A Public – Private Partnership, 56 Federal Register 13, pp. 1984–1986, January 18, 1991 (Public/Private Partnership)

It has come to our attention that National Weather Service offices in Miami is now offering weather information to wireless devices over at least two separate URLs.

We believe that these are specialized services in the realm of the private sector. Such services have been developed and implemented and are already on-line through a variety of partnerships between the Commercial Weather Industry and the telecommunications industry. We believe that this is totally outside of the mission of the National Weather Service, competitive with private industry, a waste (if not misuse of taxpayer dollars) and a breach of faith with the private sector.

Ed Johnson, Director of the National Weather Service Office of Strategic Planning and Policy, in a presentation to the National Research Council on February 19, 2002 is quoted as saying “to take advantage of wireless services to the public, the National Weather Service need not invest in any new communications infrastructure. Indeed the National Weather Service has no plans for disseminating weather information via wireless devices.”

These services are in direct competition of services that have existed in the private sector now for some time. These partnerships between Commercial Weather Industry companies and communications companies involve substantial investments which we believe is now subject to risk and unfair competition by the National Weather Service and in violation of the commitment made by Ed Johnson to the National Research Council and on which many have relied

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We believe this NWS activity is in violation of the Public/Private Partnership, which states in part "the National Weather Service will not compete with the private sector when a service is currently provided or can be provided by commercial enterprises, unless otherwise directed by applicable law." We believe the NWS's own policy as quoted above plus other sections thereof limits its involvement with the media to direct participation with radio and television only in urgent situations involving extreme weather, for the protection of life and property, not routine provision of media products and services as these Internet/wireless products represent and that are already available in the private sector.

We also believe this activity violates the spirit and intent of various federal laws including, but not limited to:

1. Paperwork Reduction Act of 1995
2. Federal Activities Inventory Reform (FAIR) Act of 1998
3. OMB Circular No. A-130
4. OMB Circular No. A-76

And, we believe this activity violates internal NWS policies and directives.

Further we do not believe this competitive activity, funded by taxpayer dollars, was contemplated by Congress in funding the National Weather Service.

We request this activity be halted immediately and that all National Weather Service offices be informed of their obligations.

Your most serious immediate attention to this is requested.

Very best regards,


Barry Lee Myers

BLM/bab

CC: Glenn E. Talka, Esquire
Joel N. Myers

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