

Comment regarding Broadband over Power Line (BPL) Technology (ET Docket No. 03-104)

Having read the full NOI, as well as the statements of the several Commissioners, it is apparent that the issue the Commission wishes to address is primarily how to promote BPL rather than how to regulate it (or, to put it another way, "how can we regulate it to best promote it?"). BPL may indeed be the revolutionary technology that proponents (including some Commissioners) assert; however, that claim has been made many times about technologies that ultimately fail for various reasons.

I share the concern of many existing licensed radio services over potential interference from BPL, particularly "Access BPL." The Commission states several times in the NOI its intent to "ensure the ongoing protection of the licensed radio services" (para 12). That concern, however, seems to be subordinated to assisting the emergence of BPL. Commissioner Adelstein, in particular, refers in his statement to "...unsupported claims..." of harmful interference without definition. I believe the Commission has already had submitted to it a number of supported claims from various countries where BPL has been tested.

Interference to licensed radio services is already a serious problem in many areas (such as RF interference from existing power distribution systems and cellular industry interference to 800-Mhz licensed radio services). Apparently, no one foresaw these problems, but they exist.

BPL is an emerging and unproven technology. It operates by superimposing RF signals on systems that were not designed for that purpose. The burden of proving and implementing noninterference with existing licensed services should be born by the BPL industry and its proponents, not by its potential victims. Likewise, the burden of remedying interference should be born by the BPL industry, not by the impacted radio (or other) services.

Accordingly, I urge the Commission to:

- a. Set both radiated emission limits and conducted emission limits for BPL systems.
- b. Make noninterference with other licensed radio services a primary BPL requirement, not just a secondary one.
- c. Require FCC Certification for BPL equipment; Manufacturers must prove technical compliance, not merely assert it.

Lastly, Commissioner Capps raises valid policy questions in his Statement. While this NOI may not be the appropriate forum to deal with them, they are entwined with, and will have to be addressed with, some of the technical questions presented here.