

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Inquiry Regarding Carrier Current Systems, ) ET Docket No. 03-104  
including Broadband over Power Line Systems )  
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**COMMENTS OF THE WIRELESS COMMUNICATIONS ASSOCIATION  
INTERNATIONAL, INC.**

The Wireless Communications Association International, Inc. (“WCA”), by its counsel, hereby submits its comments in response to the Commission’s *Notice of Inquiry* (“*NOI*”) in the above-captioned proceeding.<sup>1</sup>

In the *NOI*, the Commission has requested comment on what rules and policies might be appropriate for regulating Broadband over Power Line (“BPL”) systems under Part 15 of the Commission’s Rules. Certainly, as the trade association of the wireless broadband industry, WCA supports the Commission’s ongoing effort to accelerate facilities-based broadband deployment, and thus WCA generally has no objection to the development of a regulatory framework for BPL systems.<sup>2</sup> By the same token, Chairman Powell’s separate statement in

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<sup>1</sup> *Inquiry Regarding Carrier Current Systems, including Broadband over Power Line Systems*, ET Docket No. 03-104, FCC 03-100 (rel. Apr. 28, 2003). *Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services*, WT Docket No. 02-381, FCC 02-325 (rel. Dec. 20, 2002).

<sup>2</sup> WCA’s membership includes a wide variety of wireless broadband system operators, equipment manufacturers and consultants interested in the deployment of licensed and unlicensed spectrum for wireless broadband service in, *inter alia*, the 2.1 GHz, 2.3 GHz, 2.4 GHz, 2.5 GHz, 5 GHz, 18 GHz, 24 GHz, 28 GHz, 31 GHz, 38 GHz and 70/80/90 GHz bands. WCA is also the founder of the License-Exempt Alliance (“LEA”), a nationwide coalition of service providers, equipment vendors and others who offer or support the provision of wireless broadband service via the 902-928 MHz, 2.4 GHz and 5  
(continued on next page)

support of the *NOI* reaffirms that wireless services “illustrate[] the tremendous power of multiple facilities-based providers to foster innovation, promote ubiquity, increase competition and drive down prices.”<sup>3</sup> WCA is participating in this proceeding to ensure that the Commission’s review appropriately accounts for the interests of wireless broadband providers who may be at risk of suffering harmful interference from BPL systems.

In the *NOI* the Commission requests comment on, *inter alia*, the spectrum on which Access BPL systems (*i.e.*, those which operate over utility poles and outdoor power lines) should be permitted to operate.<sup>4</sup> The Commission notes that new BPL devices operate on multiple carriers spread over a wide segment of spectrum, and that it already has issued experimental licenses to permit evaluation of Access BPL equipment that operate from 1.7 MHz to 80 MHz.<sup>5</sup> Historically, the Commission has believed that a risk of harmful interference may exist up to the tenth harmonic of the operating frequency in question. Accordingly, it is conceivable that Access BPL Systems operating as high as 80 MHz or thereabouts could pose a threat of harmful interference to, among others, licensed wireless broadband service providers in the 700 MHz and 800 MHz bands and license-exempt wireless broadband service at 902-928 MHz.<sup>6</sup> Similarly, if

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GHz bands under Part 15 of the Commission’s Rules. Whether in its own name or under the auspices of the LEA, WCA has participated in virtually every major Commission proceeding affecting the deployment of licensed and license-exempt spectrum for wireless broadband service.

<sup>3</sup> Separate Statement of Chairman Michael K. Powell Re: Inquiry Regarding Carrier Current systems, including Broadband over Power Line Systems, Notice of Inquiry, ET Docket No. 03-104 (Apr. 28, 2003).

<sup>4</sup> See *NOI* at ¶ 15.

<sup>5</sup> See *id.* at ¶¶ 7, 15.

<sup>6</sup> As reflected in the record created in response to RM-10403, license-exempt service in the 902-928 MHz band has emerged as a critical source of broadband service in rural and other areas of the country that have little or no such service available to them. See, e.g., Letter from Robert D. Primosch, Esq., Counsel (continued on next page)

Access BPL systems are permitted to operate as high as 200 MHz, they conceivably could pose an interference threat to, among others, broadband providers who use spectrum allocated to the Wireless Communications Service at 2.3 GHz, spectrum allocated for license-exempt operations using the 2.4 GHz band and/or spectrum allocated to the Multipoint Distribution Service and Instructional Television Fixed Service bands at 2.1 and 2.5 GHz.

The implications of this potential for interference are patent. As noted in the November 2002 Report of the Commission's Spectrum Policy Task Force, "a level of certainty regarding one's ability to continue to use spectrum, at least for some foreseeable period, is an essential prerequisite to investment, particularly in services requiring significant infrastructure and lead time."<sup>7</sup> That observation is especially relevant with respect to providers of wireless broadband service, many of whom have made or will soon be making substantial investments towards acquiring spectrum rights and/or deploying systems to deliver broadband services to the very same rural and underserved areas that the Commission believes are ideal for BPL technology.<sup>8</sup> Hence, while there certainly is room for both wireless and BPL broadband systems, the Commission must take care not to create a regulatory scheme that permits the latter to cause

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for WaveRider Communications, Inc., RM-10403 (filed Mar. 7, 2003). By way of example, WaveRider Communications Inc. (a leading vendor of license-exempt broadband equipment for the 902-928 MHz band) has deployed license-exempt broadband systems at 902-928 MHz for service providers in 43 states, bringing wireless broadband service to hundreds of thousands of potential subscribers across the country. *Id.* at 2.

<sup>7</sup> Report of the Spectrum Policy Task Force, ET Docket No. 02-135, at 23 (Nov. 2002).

<sup>8</sup> *See NOI* at ¶ 1 ("BPL could bring Internet and high-speed broadband access to rural and underserved areas, which often are difficult to serve due to the high costs associated with upgrading existing infrastructure . . . .")

impermissible interference to the former, especially since the Commission is promoting both as a viable means of deploying broadband in areas where little or no such service is available.

In sum, WCA will continue to monitor this proceeding and participate where necessary to assist the Commission in developing rules and policies for BPL systems that are consistent with the Commission's overriding spectrum policies and the public interest. WCA will provide more detailed comments on the issues discussed above as further information is introduced into the record with regard to BPL and its potential for interference to wireless services.

Respectfully submitted,

THE WIRELESS COMMUNICATIONS  
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