

August 6, 2003

Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

RE: Broadband over Power Lines (Notice of Inquiry 03-104)

Dear Sirs:

I am writing in response to the filing made by the American Radio Relay League (ARRL) in the above captioned proceeding. The undersigned are both licensees in the Amateur Radio Service.

The ARRL and its members pride themselves on maintaining and advancing skills in both communications and technical phases of the art. The Commission has seen fit to recognize this ability and to encourage this activity in its regulations (42 CFR 97.1). The accomplishments and contributions of the Amateur Radio Service in the public interest have been discussed *ad nauseam* by others in connection with this proceeding, so I will limit my comments to the ARRL submission and implications of Broadband over Power Lines (BPL) in the area of public policy.

ARRL has submitted an extensive 120-page document detailing the impact of BPL on the frequencies used by amateurs. The scope of their submission, and the quality of the technical data is excellent. The ARRL has clearly demonstrated through its meticulous analysis that BPL as presently implemented will effectively render the frequencies between 1.8 MHz and 80 MHz useless for normal communication. Their conclusions are not based on emotion, but on a thorough understanding of RF communications, and substantial data collection in the field.

It has been amply demonstrated, such as with cable TV providers, that RF signals can coexist with licensed radio services if the transmission of RF is properly shielded. A well maintained cable system radiates inconsequential amounts of stray RF, but power lines offer no such shielding and were not designed for the purpose now under consideration. The trials by the ARRL, and the results of similar tests in Japan and the Netherlands, demonstrate that BPL cannot deliver the required signal strength to meet the needs of the subscribers without **massive** degradation of the spectrum for other users, clearly in violation of Part 15 regulations. The frequent warning notices from the Commission's Enforcement Bureau to various electrical utilities are ample evidence that the distribution infrastructure is not well designed in this regard and that complaints of interference are likely to skyrocket. There would be less cause for concern if the utility companies had demonstrated the ability to handle complaints in a timely manner and remedy the underlying problems. Unfortunately, the opposite is true as evidenced by the many second warnings from the Enforcement Bureau.

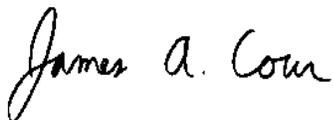
The ARRL is an organization of amateur radio operators and, in the spirit of supporting the objectives of its membership, filed its extensive comments. However, an analysis of the spectrum usage shows that less than 10% of the affected spectrum is allocated to the Amateur Radio Service. Various government services including police, fire,

ambulance services, marine and others use most of the remaining 90%. While these users are not as well organized or technically adept as the amateurs, BPL will affect these services as well. While alternative communication frequencies may be available higher up in the already crowded VHF and UHF spectrum, as a public policy matter is it prudent to impose such switching costs on local governments? The operating deficits experienced by many state and local governments, together with the added costs of complying with Homeland Security initiatives, have already placed budgets at all levels of government under severe strains. However, if police and fire services cannot reliably communicate due to power line interference, what option do these governmental units have other than to replace their existing communications infrastructure? The FCC should consider no changes to the requirements of Part 15 that users of such devices are prohibited from interfering with licensed services.

Finally, public policy decisions such as this should weigh what is normally termed the "public convenience and necessity". Conceivably, there could be an argument on public policy grounds that one or more groups of licensed users should lose use of precious spectrum to serve the greater good. However, in a free society that conclusion can only be reached upon a demonstration that there is no alternative or less onerous way to achieve the same desired goal, in this case delivery of broadband communication services to the home.

Clearly, such a showing cannot be made with respect to broadband services. The various local phone companies offer fast services, such as DSL, over existing copper networks that do not pollute the spectrum. Similarly, cable television has become ubiquitous throughout the United States, and every cable company offers Internet and digital phone services over their backbone networks. Given the amount of dark fiber in the ground, the intense competitive landscape for local telephone service, and the number of telecommunications companies in or teetering on the brink of bankruptcy, it would be irresponsible to suggest that consumers and business do not have a plethora of inexpensive alternatives to BPL. Introduction of a competing, but technically inferior, service that will pollute and render 78 MHz of HF and VHF radio spectrum useless for other purposes is contrary to good public policy, and is not required for the public convenience and necessity. Accordingly, we urge the FCC to adopt no changes to Part 15 regulations, and we ask that the Commission insure that adequate resources are provided to the Enforcement Bureau to handle the expected onslaught if interference complaints if BPL is determined to be commercially viable.

Sincerely,



James A. Cour
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Susan M. Cour
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