

Re: ET Docket No. 03-104, Reply of the California Amateur Radio Service (CARS)

Dear Sir/Madam:

According to the comments of the power companies and others in favor of deploying Broadband over Power Line Technology (“BPL”) throughout the United States, there will not be harmful interference to the amateur radio service. However, a review of the record in this proceeding shows that this technology has been deployed in several European countries, and has created harmful interference to the amateur radio service there. In fact, the Japanese government has refused to approve the use of BPL technology in that country for that very reason.

Public Law 103-408 was enacted by Congress to recognize the achievements of amateur radio operators as a matter of public policy, and to urge the FCC to adopt rules and regulations to encourage the use of new technologies within the amateur radio service. The FCC was also asked to exercise its jurisdiction to preempt city and county ordinances that place unreasonable limitations on antenna structures needed for amateur radio communication. In PRB-1 (Memorandum Opinion and Order), the FCC went further to delineate the limitations of local ordinances over Federally-licensed facilities.

California and nineteen other states have incorporated PRB-1 language in legislation that implements the federal law on a local level. For example, on July 15, 2003, California Governor Gray Davis signed Assembly Bill 1228 that specifically prohibits cities and counties from enforcing ordinances that are detrimental to the use of amateur radio antenna structures.

Clearly, a substantial amount of time, effort and money has been spent over the years enacting legislation to protect the amateur radio service. If the FCC approves changes to Part 15 of its rules to lower radiation standards for the BPL suppliers, the intent of such legislation will be defeated because most of the amateur radio frequencies will be rendered unuseable due to harmful interference. Therefore, the proposed changes to Part 15 of the FCC’s rules should not be implemented.

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