REPLY COMMENT

I am writing in reply to the following comments from page 12 of the United Power Line Council's submission dated July 7, 2003:

http://svartifoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6514284754

III. Access BPL Systems and the Part 15 Rules
B. Interference

" In this proceeding, the FCC inquires concerning the potential for interference from BPL systems under the existing Part 15 emission limits,[29] and it inquires whether the existing measurement procedures are appropriate.[30] The UPLC is pleased to respond that there has been no interference reported in any of the field trials by its members. These trials have been conducted in accordance with the existing Part 15 limits and measurement procedures.[31] In many cases, the FCC has assisted in the test measurements that have been taken. The experience gained from this process indicates that BPL systems comply with the Part 15 limits, and that the existing rules protect licensed users against interference from BPL systems. If anything, the existing rules may be too stringent and unnecessarily limit the range of BPL, but certainly the emission limits do not need to be reduced to prevent interference. As such, the UPLC provides its responses to certain issues raised by the FCC with respect to interference and the measurement standards for emissions from BPL systems."

In stark contrast to UPLC findings, interference from BPL has been well-documented by recent measurements by the American Radio Relay League which correlate with similar measurements in both Europe and Japan.

http://www2.arrl.org/news/stories/2003/08/08/2/?nc=1
http://www.ce-mag.com/archive/03/ARG/hansen1.html
http://www.ce-mag.com/archive/03/ARG/hansen2.html
http://www.jarl.or.jp/Japanese/2_Joho/2-7_plc/PLC_July.htm

In my original comment on 03-104 I mentioned the " Law of Unintended Consequences" . I again ask the FCC to consider the consequences of unleashing BPL interference as presently documented by the ARRL. In particular I would consider the consequences to both the power utilities and the FCC of interference complaints from literally millions of short wave listeners, citizen's band operators and amateur operators, not to mention commercial and governmental services that utilize the HF spectrum.

Over the past 12 months, the FCC's Riley Hollingsworth has written 21 notices to utilities regarding interference to the amateur service alone:

http://www.arrl.org/news/enforcement_logs/

Here is a sample letter from the above logs:

July 11, 2003

Mr. Peter Burg, CEO
FirstEnergy Corporation
P.O. Box 3687
Akron, OH 44309

Dear Mr. Burg:

The Federal Communications Commission has received complaints that equipment operated by Jersey Central Power & Light may be causing harmful radio interference to an operator in the Amateur Radio Service. The complainant is:

Mr. Peter D. Vouvounas, WB3FSR
98 Meridian Dr.
Brick, New Jersey 08724-3945

The FCC has the responsibility to require that utility companies rectify such problems within a reasonable time if the interference is caused by faulty power utility equipment. Under FCC rules, most power-line and related equipment is classified as an "incidental radiator." This term is used to describe equipment that does not intentionally generate any radio-frequency energy, but that may create such energy as an incidental part of its intended operation.

To help you better understand your responsibilities under FCC rules, here are the most important rules relating to radio and television interference from incidental radiators:

Title 47, CFR Section 15.5 General conditions of operation.

(b) Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.

(c) The operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.

Title 47, CFR Section 15.13 Incidental radiators.

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

Title 47, CFR Section 15.15 General technical requirements.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of Part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see Sec. 15.105(b)).

The complainant has attempted unsuccessfully to work through your usual complaint resolution process and as a result the matter has been referred to our office. The FCC prefers that those responsible for the proper operation of power lines assume their responsibilities fairly. This means that your utility company should locate the source of any interference caused by its equipment and make necessary corrections within a reasonable time.

While the FCC has confidence that most utility companies are able to resolve these issues voluntarily, the FCC wants to make your office aware that this unresolved problem may be a violation of FCC rules and could result in a monetary forfeiture for each occurrence. At this stage, the FCC encourages the parties to resolve this problem without FCC intervention, but if necessary to facilitate resolution, the FCC may investigate possible rules violations and address appropriate remedies.

The American Radio Relay League, a national organization of Amateur Radio operators, may be able to offer help and guidance about radio interference that involves Amateur Radio operators.

American Radio Relay League
Radio Frequency Interference Desk
225 Main Street
Newington, CT 06111
860-594-0200
E-mail: **rfi@arrl.org**

Please advise the complainant what steps your utility company is taking to correct this reported interference problem. The FCC expects that most cases can be resolved within 60 days of the time they are first reported to the utility company. If you are unable to resolve this within 60 days, please advise this office about the nature of the problem, the steps you are taking to resolve it and the estimated time in which those steps can be accomplished.

If you have any questions about this matter, please contact:

W. Riley Hollingsworth
Special Counsel
Enforcement Bureau, FCC
E-mail: **rholling@fcc.gov**

Thank you for your cooperation.

Sincerely,

Sharon Bowers, Deputy Chief
Consumer Inquiries & Complaint Division
Consumer & Governmental Affairs Bureau

Before implementing BPL in its present state, I strongly urge you to consider the findings of both the ARRL and NTIA. Once this Pandora's Box is opened, both FCC and utility company resources may very well be consumed by a multitude of interference complaints from both licensed and unlicensed users of the HF spectrum.

Sincerely,

William R. Tippett II, W4ZV