

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)

REPLY COMMENTS OF CINGULAR WIRELESS LLC

Cingular Wireless LLC (“Cingular”), by its attorneys, hereby submits its reply comments in response to the Commission’s *Notice of Inquiry (“NOI”)* in the above-captioned proceeding.¹

In the *NOI*, the Commission asked what rules and policies might be appropriate for regulating Broadband over Power Line (“BPL”) systems under Part 15 of the Commission’s Rules. Specifically, the Commission requested comment on the spectrum on which Access BPL systems and In-House BPL systems should be permitted to operate.² The Commission noted that new BPL devices operate on multiple carriers spread over a wide segment of spectrum. The Commission further noted that until recently, carrier current systems have not operated above 30 MHz; however, it has already issued experimental licenses to permit evaluation of Access BPL equipment that operates from 1.7 to 80 MHz.³

The Wireless Communications Association International, Inc. (“WCA”) commented that the Commission has historically “believed that a risk of harmful

¹ *Inquiry Regarding Carrier Current Systems, including Broadband over Power Line Systems*, ET Docket No. 03-104, *Notice of Inquiry*, FCC 03-100 (rel. Apr. 28, 2003).

² *See id.* at ¶¶ 15, 17.

³ *Id.* at ¶ 15.

interference may exist up to the tenth harmonic of the operating frequency in question.”⁴ As such, BPL systems operating at 80 MHz could pose a threat of harmful interference to cellular systems in the 800 MHz band. If BPL systems are permitted to operate at even higher frequencies, they could conceivably pose an interference threat to PCS providers at 1.9 GHz.⁵

Given the potential for interference, the Commission must address the interference protection needs of incumbent licensees. Many incumbent licensees have a heightened sensitivity to increased noise or interference because they may be (i) providing service today that is optimally engineered through reliance on a combination of the existing noise floor and the use of technologically advanced equipment and careful engineering and management techniques, or (ii) relying on the introduction of emerging technologies to achieve greater spectrum efficiency.⁶ As such, the Commission must carefully craft any rules authorizing BPL systems to ensure that they do not cause impermissible interference to incumbent licensed services.

Before proceeding further, however, the Commission must be presented with test results assessing the potential increase to the overall noise floor for 800 MHz and 1.9 MHz systems from the operation of BPL systems at or above 80 MHz. If the test results demonstrate that there is no threat of harmful interference to incumbent licensed systems, then the Commission could issue a notice of proposed rulemaking that would allow the public to focus on specific rule proposals and ensure that authorized services, such as CMRS, will be fully protected from BPL interference.

⁴ Comments of WCA at 2 (filed July 7, 2003).

⁵ See *id.* at 3 (noting that if Access BPL systems are permitted to operate as high as 200 MHz, they could pose an interference threat to broadband providers allocated spectrum at 2.3 GHz, 2.4 GHz and 2.5 GHz.).

⁶ See Comments of Cingular, ET Docket No. 02-135, at 21 (filed Jan. 27, 2003).

Respectfully submitted,

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