

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

In the Matter of)
)
INQUIRY REGARDING CARRIER) ET Docket No. 03-104
CURRENT SYSTEMS, INCLUDING)
BROADBAND OVER POWER LINE)
SYSTEMS)

To The Commission:

FURTHER REPLY COMMENTS OF RICHARD P. CLEM

1. I have previously filed reply comments in this matter on August 13, 2003, in support of the comments of the American Radio Relay League (ARRL), and in opposition to comments of various proponents of BPL, including those of the Power Line Communication Association (PLCA).

2. This evening, I read the reply comments which PLCA filed today, and feel compelled to respond to those comments as well.

3. A common theme among the comments made by proponents of BPL was that, despite the fact that BPL has been undergoing tests in this country, that no interference complaints have been lodged. As many comments in opposition have pointed out, the lack of "complaints" might mean only that consumers are unaware of the source of their interference, and do not know where to lodge a complaint.

4. It should also be noted that thousands of Americans have indeed, complained, by filing comments with the Commission in this matter. Those complaints include the comments of ARRL, which include extensive test data from the test sites in this country, as well as references to failed attempts to use BPL in other countries.

5. Despite this technical data which demonstrates actual harmful interference, PLCA states in its reply comments that "[n]o matter how loud opponents may shout, they cannot point to evidence in this country that BPL systems are causing, have caused, or will cause, harmful interference to other spectrum users or other third parties." Reply comments of PLCA at page 3.

6. PLCA cleverly qualifies this statement with the words "in this country" obviously because there is ample evidence from Japan and other countries that BPL causes harmful interference. Apparently PLCA thinks that the Commission is gullible enough to believe that the laws of physics in force in the U.S. vary from those in effect in other countries.

7. Despite PLCA's bald claim that there is "no evidence in this country", PLCA concedes in footnote 9 that the ARRL's studies exist. It attempts to dismiss them because they are based upon a "model that is atypical to the way in which a power system operates." Id. at footnote 9.

8. As well documented in their comments, ARRL did interference studies at the few BPL sites in operation in this country, the same few sites which the proponents of BPL have claimed did not result in any interference complaints. Now, on the last day for filing of reply comments, PLCA claims that these sites are actually "atypical to the way in which a power system operates."

9. I respectfully submit that PLCA and the other proponents of BPL cannot have it both ways. They cannot on the one hand claim that the experimental sites have not elicited complaints, and at the same time claim that the experimental sites are not typical.

10. The experimental PLCA sites are either typical BPL setups, or they are not. When they were allegedly interference-free, they were put forth as typical installations. But when the facts reveal them to be sources of severe spectrum pollution, PLCA changes its tune and claims that they are actually atypical. To put it bluntly, the issue becomes whether they were telling the truth then, when they called them typical, or whether they are telling the truth now, after they change their tune and call them atypical.

11. If these sites are truly atypical as PLCA now claims, then the proponents of BPL have utterly failed to present one iota of evidence as to whether or not a "typical"

installation causes interference. ARRL visited the existing sites and found them to cause severe harmful interference. If these sites are "atypical" as PLCA now claims, then there is apparently no typical site in existence anywhere in the United States. In other words, if we take PLCA at its word, this means that PLCA and the proponents of BPL have not lifted a finger to provide the Commission with any data as to how a typical installation will behave. Since the burden of proof is upon the proponents to demonstrate that their service will not interfere with existing licensed services, BPL should not be allowed to proceed.

12. For the reasons stated herein, I object to PLCA's reply comments, and ask that the Commission see them for what they are--contradictory arguments with little or no credibility.

Respectfully submitted this 20th day of August, 2003.

/s/

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