

THE NATIONAL ANTENNA CONSORTIUM

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January 12, 2004

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

**RE: Multi-Party Letter To Key Congressional Legislators About BROADBAND
OVER POWERLINES Technology (FCC Docket 03-104)**

Dear FCC Commissioners and Staff,

I am Gerald L. Agliata, Executive Director of NATIONAL ANTENNA CONSORTIUM (NAC). Our nationwide, non-profit organization represents: (1) those who own and/or use and/or manufacture antennas, and (2) those who own and/or use and/or build communications towers, and (3) those who want to.

We maintain an office in Washington, staffed by former NAB attorney Barry Umansky of Irwin, Campbell and Tannenwald, and a Web Site at www.antenna-consortium.org

Recently, NAC joined with 2 other organizations -- THE NORTH AMERICAN SHORTWAVE ASSOCIATION (NASWA) and THE AMHERST ALLIANCE -- in a multi-party letter to key Congressional legislators. In that letter, our 3 groups urged Congress to override the FCC if the Commission decides to approve Broadband Over Powerlines (BPL) technology.

NAC recognizes that the deadline has passed for filing Written Comments or Reply Comments in FCC Docket 03-104. We are, therefore, entering into the Docket this letter, and a related press release, as an FYI Item. All 5 of the FCC's Commissioners have been E-Mailed individual copies of the referenced letter, but we believe the letter and press release should also be part of the official record in this Docket.

Respectfully submitted,

Gerald L. Agliata, Executive Director
NATIONAL ANTENNA CONSORTIUM

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3 GROUPS PLEDGE APPEAL TO CONGRESS IF THE FCC APPROVES BROADBAND OVER POWERLINES

NEW ROCHELLE, New York, January 8 -- In a letter to 8 Congressional leaders who play key roles on communications legislation, 3 groups have urged Congress to intervene if the FCC approves Broadband Over Powerlines (BPL). The technology is currently being considered by the FCC in Docket 03-104.

“In the event that BPL technology is in fact approved by the FCC,” the letter states, “each of our organizations will urge Congress to override that decision. Although we do not speak for them, we expect that other opponents of BPL authorization will do the same.”

The letter was signed by leaders of THE NATIONAL ANTENNA CONSORTIUM (NAC), an advocacy group for current and aspiring owners and users of antennas and/or communications towers, with a Web Site at www.antenna-consortium.org; THE NORTH AMERICAN SHORTWAVE ASSOCIATION (NASWA), an international group of shortwave broadcasters and listeners, with a Web Site at www.anarc.org/naswa; and THE AMHERST ALLIANCE, a citizens' advocacy group for Low Power FM, Low Power AM and other media reforms, with a Web Site at www.amherstalliance.org.

The letter stresses that evidence, already submitted to the FCC, indicates “the prospect of disruptive interference with” military radio; High Frequency aeronautical radio; High Frequency marine radio; radio astronomy; Digital TV and emergency communications by Amateur Radio Service operators, shortwave broadcasters and Citizens Band (CB) users, aka “CBers”.

The prospect of severely disrupted emergency communications has prompted opposition to BPL by the FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), of the U.S. Department of Homeland Security, and DISASTER EMERGENCY RESPONSE ASSOCIATION (DERA). Both groups termed BPL “a threat to national security” in December 2003 filings with the FCC.

Filings against BPL were also made by the NATIONAL ASSOCIATION OF BROADCASTERS (NAB), ASSOCIATION FOR MAXIMUM SERVICE TELEVISION (MSTV) and AMERICAN RADIO RELAY LEAGUE (ARRL). REACT INTERNATIONAL, composed of CB users, has opposed BPL as well.

The letter was sent to Senator John McCain (R-AZ), Representative William J. “Billy” Tauzin (R-LA), Senator Ernest Hollings (D-SC) and Representative John Dingell (D-MI). These are the respective Chairmen and ranking Democrats on the Senate and House Committees which have jurisdiction over the FCC. Also contacted were Senator Conrad Burns (R-MT), Representative Fred Upton (R-MI), Representative Michael Bilirakis (R-FL) and Representative Edward Markey (D-MA), who lead the relevant Subcommittees.

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January 5, 2004

Senator John McCain, Chairman
Senator Ernest "Fritz" Hollings,
Ranking Minority Member
Committee on Commerce, Science
and Transportation
Senator Conrad Burns, Chairman
Subcommittee on Communications
United States Senate
Washington, DC 20510

Representative W.J. Tauzin, Chairman
Representative John Dingell,
Ranking Minority Member
Committee on Energy and Commerce
Representative Fred Upton, Chairman
Representative Michael Bilirakis,
Co-Chairman
Representative Edward Markey,
Ranking Minority Member
Subcommittee on Telecommunications
and The Internet
United States House of Representatives
Washington, DC 20515

RE: Our Concerns Regarding Broadband Over Powerlines (BPL) Technology

Dear Senators and Representatives:

We are an *ad hoc* group of 2 nationwide organizations and 1 international organization, led by the NATIONAL ANTENNA CONSORTIUM (NAC). In addition to NAC, this letter represents the views of THE NORTH AMERICAN SHORTWAVE ASSOCIATION (NASWA) and THE AMHERST ALLIANCE.

We oppose the possible authorization of Broadband Over Powerlines (BPL) technology by the FCC. This possible action is now being considered in FCC Docket 03-104.

Our organizations represent a range of constituencies:

THE NATIONAL ANTENNA CONSORTIUM (NAC), representing those who build and/or operate communications towers and/or antennas -- including some Amateur Radio Service operators and other individual broadcasters
THE NORTH AMERICAN SHORTWAVE ASSOCIATION (NASWA), representing shortwave transmitters and listeners
THE AMHERST ALLIANCE, representing Low Power Radio broadcasters, both current and aspiring, as well as concerned citizens who support media reform

Opposition to BPL authorization has also been expressed, in FCC Docket 03-104, by:

THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
of the U.S. Department of Homeland Security
THE DISASTER EMERGENCY RESPONSE ASSOCIATION (DERA)
THE NATIONAL ASSOCIATION OF BROADCASTERS, representing full power radio and TV broadcasters
THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION (MSTV), representing the full power broadcast TV industry's chief advocates on Digital TV and other technological issues
THE AMERICAN RADIO RELAY LEAGUE (ARRL), which serves as the official national association of Amateur Radio Service operators and their *emergency* communications network
REACT INTERNATIONAL, representing an *emergency* communications network of Citizens Band users (aka "CBers")

The organizations which have signed this letter are not always aligned for legislative advocacy. However, we share common concerns regarding BPL technology.

In the event that BPL technology is in fact approved by the FCC, each of our organizations will urge Congress to override that decision. Although we do not speak for them, we expect that other opponents of BPL authorization will do the same.

This override could take the form of an outright prohibition of BPL technology. Alternatively, it could be a mandate for much more research on how to overcome the interference BPL generates. In either case, Congress should not permit the authorization and deployment of BPL at its present level of technological development.

We ask you, as leaders of Congress on telecommunications policy, to bear in mind two important points.

1. All of the parties we have mentioned, whether they have signed this letter or not, have concluded, based upon solid technical evidence, that BPL technology -- at least in its present form -- will generate serious interference with varied broadcast operations of concern to us.

The public record in FCC Docket 03-104 is filled with statements of concern, backed by supporting technical documentation, regarding the prospect of disruptive BPL interference with:

Military radio transmissions
Military Affiliate Radio System (MARS) transmissions
High Frequency *aeronautical* radio transmissions
High Frequency *marine* radio transmissions
Radio astronomy
Digital TV broadcasts
Amateur Radio Service transmissions, including *emergency* communications during natural or man-made disasters
Shortwave listening and broadcasting, which can also serve as vital sources of *emergency* information during natural or man-made disasters
Citizens' Band transmissions, including *emergency* communications over the Radio Emergency Assistance Communications Teams (REACT) network

These concerns have led THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), of the U.S. Department of Homeland Security, to urge the rejection of BPL technology by the FCC. In Written Comments signed by Barry C. West, Chief Information Officer for FEMA, and filed in FCC Docket 03-104 on December 4, 2003, FEMA termed BPL a threat to national security.

The same conclusion was expressed by THE DISASTER EMERGENCY RESPONSE ASSOCIATION (DERA), in Written Comments signed by Bascombe J. Wilson, Director of Information Technology for the organization. DERA's Written Comments were filed with the FCC on December 22, 2003.

Concerns about potentially disastrous interference from BPL have already led to rejection of BPL authorization by the relevant government agencies of The Netherlands and Japan.

2. Prohibiting the possible use of Broadband *Over Powerlines* will not impede the deployment of broadband technology in general. Other broadband options can still be brought before consumers -- through alternative technologies which do not pose the interference problems associated with BPL.

Hopefully, this letter will soon be rendered moot by the FCC's refusal to authorize BPL technology in Docket 03-104. Nevertheless, if BPL is instead approved by the FCC, please be aware that we will be looking to you for corrective legislation.

Respectfully submitted,

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Representing NAC and the following additional parties:

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CC: FCC Chairman Michael Powell
FCC Commissioner Kathleen Abernathy
FCC Commissioner Jonathan Adelstein
FCC Commissioner Michael Copps
FCC Commissioner Kevin Martin

Jim Haynie, President, AMERICAN RADIO RELAY LEAGUE (ARRL)
David Sumner, Executive Director, ARRL
Edward Hare, ARRL Laboratory Supervisor, ARRL

Edward L. Baumann, Executive Vice President, NATIONAL ASSOCIATION
OF BROADCASTERS (NAB)

David Donovan, President, ASSOCIATION FOR MAXIMUM SERVICE
TELEVISION (MSTV)

Chuck Thompson, President, RADIO EMERGENCY ASSISTANCE
COMMUNICATIONS TEAMS (REACT) INTERNATIONAL

Barry C. West, Chief Information Officer, FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) of the U.S. Department of
Homeland Security

Bascombe J. Wilson, CEM, Director of Information Technology, DISASTER
EMERGENCY RESPONSE ASSOCIATION (DERA)

Richard Moseson, Editor, CQ MAGAZINE
Joel Kleinman, Managing Editor, QST MAGAZINE
Leslie Stimson, Editor, RADIO WORLD
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