

NATIONAL ANTENNA CONSORTIUM
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February 19, 2004

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

**RE: Proposed Rule On Broadband Over Powerlines (BPL)
In FCC Docket 04-37**

Dear FCC Commissioners and Commission Staff:

The NATIONAL ANTENNA CONSORTIUM (NAC) is a non-profit group, founded in 2001, representing those who own, lease and/or build antennas and/or communications towers. THE AMHERST ALLIANCE is a nationwide citizens' advocacy group for media reform, founded in Amherst, Massachusetts in 1998.

In response to a request from RADIO WORLD, NAC and THE AMHERST ALLIANCE released, on February 13, 2004, a Joint Preliminary Statement on the FCC's proposed rule concerning Broadband Over Powerlines (BPL) technology. The proposal was issued by the FCC, in Docket 03-104, on February 12, 2004.

Our two groups hereby submit this Joint Preliminary Statement, For The Record, in Docket 03-104. The Statement welcomes, as “a pleasant surprise”, the FCC's apparent decision not to propose an increase in the currently authorized power levels for BPL. However, citing concerns about BPL interference at even the presently permitted power levels, the Statement also urges the FCC to “freeze” action on its proposed rule until the results of 2 ongoing, independent technical studies have been received and fully assessed. As a practical matter, this means keeping the comment period open until at least 2 months after the completed technical studies have been released to the public. It also means being willing to re-write and re-issue the proposed rule if the studies warrant it.

Respectfully submitted,

Don Schellhardt, Esquire

**PRELIMINARY STATEMENT ON BPL PROPOSED RULE
BY THE NATIONAL ANTENNA CONSORTIUM (NAC)
AND THE AMHERST ALLIANCE**

February 13, 2004

- 1. The NATIONAL ANTENNA CONSORTIUM (NAC) and THE AMHERST ALLIANCE have not yet seen the exact text of the proposed rule on Broadband Over Powerlines (BPL), since it has not yet been released. However, IF the FCC's press release is accurate in reporting that no increase in BPL power levels has been proposed, this would be a pleasant surprise.**
- 2. Nevertheless, we are still concerned about the prospect of BPL interference at the CURRENT power levels (as set forth in Part 15 of the Commission's regulations).**
- 3. With this concern in mind, we believe the FCC should have withheld action until it has seen the results of 2 ongoing, independent technical studies of BPL interference. One such study is being conducted by the National Telecommunications and Information Administration (NTIA), and another is being conducted by an independent consulting firm under contract to the American Radio Relay League (ARRL). Both studies are scheduled for completion within the next few months.**
- 4. NAC and THE AMHERST ALLIANCE publicly urge the FCC to "freeze" action on its proposed rule until the results of these ongoing technical studies have been received and fully assessed.**

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