

My name is Scott Robbins. I have been a licensed Amateur Radio operator since 1982 and currently hold an Amateur Extra class license, callsign W4PA. For the last nine years I have been employed by Ten-Tec, Inc. of Sevierville, Tennessee. Ten-Tec is involved in the manufacture of Amateur Radio equipment and high performance government and military-use HF receivers and 2004 marks our 36<sup>th</sup> year in business. My current title is Amateur Radio Product Manager, overseeing the sales and marketing operation for the company. We are an American company competing almost exclusively with companies from the far East, and presently employ about 100 people, including 21 licensed Amateur Radio operators, at our Sevierville facility.

Ten-Tec's main business is the manufacture of Amateur Radio equipment used for both fixed and mobile operation, and high performance HF receivers for commercial, government, and military use. We enjoy a well-deserved reputation for building the most high performance amateur radio equipment, used by the most demanding Amateur Radio licensees. Our commercial and military grade receivers are used worldwide by U.S. government, military, and commercial entities as well as friendly foreign governmental agencies in a variety of applications.

Our equipment is used by the most discriminating Amateur Radio operators, many of whom have spent up to tens of thousands of dollars building and installing their station in the pursuit of hearing the weakest detectable HF signals. Any level of interference caused by an incidental radiator that compromises the ability to hear HF communications down to the noise floor of a high performance HF receiver is unacceptable. Regulations that are more stringent than the current Part 15 emission and non-interference limits need to be in place for regulating Access BPL; it already appears from initial testing that the limitations are inadequate to protect duly licensed spectrum users.

The problem with Part 15 interference from Access BPL is much more than just a localized issue. At the local level, HF operations will have to contend with the possibility that very strong signals from very low power incidental radiators will interfere with licensed operation. Very low level signals have the ability to carry great distances when propagated via HF radio. Access BPL will – without question – introduce millions of low power signals across the HF spectrum. These small signals, in turn, will result in the elevation of the overall noise floor on the HF spectrum and make it overall less useful for any service that employs HF operation.

Power line noise (not generated by Access BPL) has been a significant challenge to Amateur Radio operation for a number of years. The ability to have problems rectified by utilities when causing unauthorized interference to Amateur Radio operations is inconsistent at best. Some utilities are immediately responsive, some are responsive only after repeated request by the interferee, and some are unresponsive to the point where action has to be taken by the FCC to force them to comply with Title 47 regulations. Understanding that while Amateur Radio operation is supposed to be protected by Part 15 from interference caused by Access BPL, the law and many utilities willingness to comply are two completely different items. Anecdotal and factual accounts of the

difficulty of dealing with utilities to have interference problems resolved have been part of Amateur Radio for many, many years. A read of Amateur Radio Enforcement Letters from FCC Special Counsel W. Riley Hollingsworth addressed to utilities is only a small fraction of the numerous problems Amateur Radio operators face every day when dealing with these issues. It was noted recently that one North Carolina utility, testing BPL service, is now claiming compliance and refusing to take any further action to mitigate interference problems at their BPL sites even though these interference problems for Amateur Radio operation apparently continue to exist. This is typical of an uncooperative attitude that some utilities have taken towards Amateur Radio operation even though they are bound by Title 47 regulations to resolve interference complaints. If, at the trial stage, this is the attitude that some utilities will take for mitigating legitimate interference complaints then the road ahead is going to be a long and difficult one for both utility companies and Amateur Radio licensees.

As part of Access BPL, given the utilities demonstrated inconsistent willingness to mitigate interference problems, performance standards for interference mitigation must be in place. This interference mitigation, like other utility emergency customer service functions, must be available 24 hours a day, 7 days a week for immediate action on receipt of a complaint.

Additional constraints must be placed into law on Access BPL providers to ensure compliance with regulations. BPL systems should be tested for rules compliance by an independent laboratory prior to initiation of service. Liability for not meeting Part 15 regulations should not rest solely with the Access BPL provider. Liability should extend to the manufacturer of the equipment placed into use for BPL service. There is ample precedent for this – for example, at present, any piece of Amateur Radio equipment or any HF receiver that is manufactured by Ten-Tec must be tested by a licensed EMC testing facility in Europe before it can be placed on the market for sale in a CE country. These regulations are in place for ANY piece of electronic equipment sold in the European common market, whether it be radios, computers or simple home-use stereo equipment. The liability for compliance with regulations lies not with the provider (retailer) of the equipment, nor with the testing lab, but with the manufacturer of the equipment itself. In addition to requiring that Access BPL providers be responsible for mitigating interference, assuring that manufacturers of Access BPL equipment will be liable should equipment be out of compliance will provide a needed extra incentive for the entire Access BPL industry to make sure they are in compliance. Paragraph 39 of the NPRM comments that [given the investment levels involved] “Access BPL providers would have a strong incentive to exercise the utmost caution in installing their systems to avoid harmful interference”. Utmost caution would be exercised by all involved if equipment manufacturers were held accountable for interference problems as well.

Interference to HF communications, even within Part 15 limits, caused by Access BPL will result in reduced usefulness for the Amateur Radio service, compromise the ability of government and military agencies to monitor HF frequencies, air traffic control to communicate with airliners, and interfere with ship-to-shore voice and data communications. All of this reduction in usability for any HF use – whether Amateur

Radio-related or not – will result in a reduction of demand for HF equipment and damage the ability of Ten-Tec to remain a viable business entity.

Sincerely,

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