

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

In the Matter of

Carrier Current Systems, Including	)	ET Docket No. 03-104
Broadband over Power Line Systems	)	
	)	
Amendment of Part 15 Regarding New	)	
Requirements and Measurement Guidelines	)	ET Docket No. 04-37
For Access Broadband Over Power Line	)	
Systems	)	

To: The Commission

**COMMENTS OF THE POWER LINE COMMUNICATIONS ASSOCIATION**

The Power Line Communications Association (the “PLCA”), by its counsel, and pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby submits comments in the above-captioned proceeding.

Founded in 2001, the PLCA is a domestic trade association representing the interests of electric utilities, manufacturers, and Internet service providers who are interested in offering power line communications, or broadband over power lines (“BPL”). The association was formed to educate policy makers and the public about the benefits of power line communications and to advocate on behalf of the industry to improve business conditions. The PLCA’s primary membership is comprised of electric utilities, including Ameren Corporation, Dominion Resources, Inc. and Consumers Energy. In addition, associate membership in the PLCA is open to other parties who have an interest in BPL, such as equipment manufacturers, software

companies, and Internet service providers.<sup>1</sup> The PLCA has been, and remains, a vigorous advocate for its members before the Commission and before various state utility commissions.

The PLCA was the first to alert the Commission to the potential of power line communications.<sup>2</sup> In addition to noting the various benefits of power line communications to consumers and utilities, the PLCA's comments to the Commission also stated that BPL could be deployed under Part 15 of the Commission's Rules with only minor revisions to the existing Rules. Accordingly, PLCA applauds and generally supports the rule proposals in the instant Notice of Proposed Rule Making ("NPRM").

The Commission's proposals relate, in large part, to the measurement techniques and guidelines for Access BPL equipment. Accordingly, the PLCA believes that its members, many of whom are actively engaged in the manufacture, development, deployment and operation of BPL systems and equipment, are best suited to respond to the Commission's technical proposals.

Nevertheless, PLCA is compelled to comment on and strongly oppose the Commission's proposal to require entities operating Access BPL systems to supply to a government-approved industry entity information on all existing Access BPL systems, all proposed Access BPL systems and all changes to BPL systems. The information to be provided is to include installation locations, frequency bands of operation and the type of modulation used.<sup>3</sup> The Commission's stated objective is to establish a publicly accessible database so that, if harmful interference occurs, the location and operating characteristics of Access BPL systems in the vicinity will be readily available. (NPRM, ¶ 43.) This proposal is unduly burdensome and unnecessary.

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<sup>1</sup> The PLCA's non-electric utility members include Earthlink, Main.net, Big River Telephone Company, Ambient Corporation, CopperRoad Corporation and Softential.

<sup>2</sup> See Comments of the Power Line Communications Association, ET Docket No. 01-278 (filed Feb. 12, 2002).

<sup>3</sup> Proposed rule §15.109(g).

Compliance with this proposal would be so burdensome as to prevent Access BPL from ever providing a truly competitive broadband service. Access BPL modems, like DSL modems and cable modems, will be subject to the emissions requirements of Part 15 of the Commission's rules, which rule part functions to prevent equipment that could cause harmful interference from reaching the marketplace. For DSL modems and cable modems, this is enough; they are not subject to a notification and database requirement. Placing such a burden on Access BPL modems would place them at a deployment and marketing disadvantage, since customers will balk at the prospect of having their home address and the presence of their broadband equipment listed in a "publicly accessible database." Moreover, the cost of the maintenance of the database will have to be borne by the industry and, ultimately, passed through to the customer. This is a cost that is not borne by cable modems and DSL modems, and this additional cost associated with Access BPL equipment will place service providers at an additional disadvantage.

In the President's major technology position paper, entitled "A New Generation of American Innovation," released April 26, 2004, the President endorses "the widespread and responsible deployment of broadband over powerlines (BPL)" (p. 12). The administration supports the removal of regulatory barriers and the goal of making broadband competitively available and affordable (p. 11). PLCA submits that saddling BPL with costly regulatory requirements like database reporting is inconsistent with the President's policies.<sup>4</sup>

In addition to the interference-prevention requirements of Part 15, the Commission is proposing in the NPRM<sup>5</sup> to require Access BPL equipment to employ adaptive interference mitigation techniques, including power reduction, frequency modification and even shut-down

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<sup>4</sup> Should the Commission nonetheless adopt the database requirement, PLCA urges the Commission to select the entity that will maintain the database on a competitive basis. PLCA has the experience and wherewithal to provide such a service.

<sup>5</sup> Proposed rule § 15.109(f).

features. This, too, is far more than is required of cable modems and DSL modems, and this requirement, in conjunction with other Part 15 requirements, ought to be more than enough to prevent harmful interference.

Experience gained by electric utilities who are operating Access BPL systems under experimental licenses has shown that instances of harmful interference are rare. There would seem to be, therefore, no demonstrated need to place such extraordinary and costly additional obligations on Access BPL systems.

The Commission's proposal will create needless administrative burdens *on the Commission* as well as on the BPL industry. Because the proposed rule would require *proposed* systems to be included in the database, the Commission is inviting pre-construction protests from parties who may wish to prevent the deployment of Access BPL systems in their neighborhoods or from competitors who may wish to prevent deployment as well. Clearly the industry entity that maintains the database would not have legal authority to prevent such deployment. The burden will fall to the Commission to act on these protests and the logical outcome will be an unending series of legal proceedings akin to license applications for the deployment of Access BPL systems.

PLCA submits that the notification and database proposal is superfluous, extraordinarily burdensome, unjustified and anticompetitive. The Commission need not go that far in seeing to it that harmful interference will be avoided and, if necessary, cured.

Accordingly, PLCA calls on the Commission not to adopt proposed rule § 15.109(g).

Respectfully submitted,

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