

I have a large concern with the local results of BPL operating under Part 15.

Given that many if not most consumers do not understand what Part 15 states and are indifferent at best to Part 15 labels, I am afraid that there will be significant consumer outcry and attempts to force cessation of operation by any but the most essential interfering licensed services.

It took a fair amount of talking, some FCC interference pamphlets and a call to the FCC from one neighbor at my prior residence to convince them that the signal from a 100 watt amateur radio station being picked up by a stereo in the off condition was not something that I could control. This leads me to the concern that BPL as a Part 15 entity owes licensed services and the public the provision of better disclosure than is now provided.

I wish to recommend that each BPL service contract claim a full disclaimer to be signed by the customer and kept on file at the provider with a copy to the customer. This disclaimer must state in layman's terms that BPL is an unlicensed service that uses the frequencies normally reserved to licensed radio services and that because of this any licensed service has priority. It should clearly spell out the public service, military, Amateur Radio, and other unnamed services use some of these frequencies and if their operation interferes with the operation of a BPL connection it is the fault of the BPL provider for not considering the possibility of this operation. It should be further made clear that the service provided must be terminated if it generates harmful interference to licensed services that can not be eliminated.

As a further note, a strong pre-emption over any enforcement attempts to penalize the owners and operators of licensed radio transmission equipment should be entered. It should also prescribe collection of all attorneys' fees and associated costs incurred by the licensed service when defending itself against attempts by local governments, Home Owners Associations, and other property use bodies to penalize the service(s) for interference.

This is especially necessary to protect the Amateur Service, since it is not for personal gain and all costs of defending against such actions is born by the individual licensee.

This disclaimer and pre-emption should cause no hardship to BPL providers, BPL customers, or to the local governance since it is the contention of the BPL providers that no interference exists. This is simply a codification of the requirement to conspicuously post the basic tenets of Part 15 on all Part 15 devices.

Thank you for your time in considering the basics of this proposal. I leave it to the excellent legal staff of the FCC to generate the exact wording for the disclosure and the pre-emption.

Sincerely

David E. Caruthers -- KF7CG