

Before the
Federal Communications Commission
Washington, DC 20554

In the matter of:

Carrier Current Systems Including
Broadband over Power Line Systems

ET Docket No. 03-104

Amendment of Part 15 regarding new
requirements and measurement guidelines
for Access Broadband over Power Line
Systems.

ET Docket No. 04-37

Comments of Jeffery S. Grantham, Sr.

I am making comments in opposition to the amendment of Part 15, such as would facilitate the implementation of Access BPL in the United States and its possessions, and any implementation of Access BPL that would be non-compliant by today's standards. Access BPL systems under trial today are not capable of operating in any effective way, which would be compatible with existing radio communications facilities. In the same manner that is successfully demonstrated in today's compliant wide bandwidth enclosed cable transmission systems, Part 15 devices and/or services should not radiate signals that would have the potential to interfere with licensed radio services operating in the air. Simply put, Access BPL is a bad idea.

1. In today's atmosphere of relaxed compliance in all venues from technical standards to morality, we, the public, are being assaulted. While local community standards on morality may have once been a valid argument, in the current era of wired and wireless communications, the community has become a universal entity. While there may be some folks out there who still believe in situational ethics, there are absolutes. Where technological standards are concerned, there are definitely absolutes. Politicians, industrialists, and bureaucrats alike, having the glib attitude of "nothing ventured, nothing gained," all need to realize and understand this. There are necessary demarcations.
2. The Commission is empanelled with a mandate to protect the public airwaves. Just as a doctor would protect the health of his patient, The Commission should "do no harm." In the recent past, The Commission has failed to fulfill its mandate, and seems to be continuing to follow that recent trend. The reallocation of 220-222 MHz was accomplished through the late comments of UPS, a corporate giant that did not follow through and utilize that spectrum. The Commission has called for Nextel to get 1.9 GHz spectrum in order to fix an interference problem related to a lack of foresight and apparent ineptness with regard to the interleaving of Nextel and 800 MHz public safety frequencies. Now, there is the issue of Access BPL implementation consider, along with all of its unintended consequences and unanticipated costs.
3. Mitigation is an erroneous concept. Mitigation transfers the burden of proof for maintenance of compliance from the potential offender to the victim. Where did this idea of mitigation come from? France? Due to the widespread use of spectrum by various users and interests, mitigation of interference would necessarily be very dynamic in nature. Each time someone new would complain, BPL providers would be under pressure to regain the bandwidth lost to prior notching. After a time, should they not endeavor to regain lost bandwidth, there would

be very little bandwidth left available to BPL providers for the more effective transmission of their data. This would promote the incentive for BPL providers to arbitrarily remove notches, thereby creating a vicious cycle of interference and resolution along with the need for the continual victim input that would necessarily follow that process. In effect, this would be a shell game of “Who’s got the interference now.”

4. Access BPL is not a panacea. Rather, it is the door to Pandora’s Box. BPL signals have the capacity to wastefully pollute the finite resources of the radio spectrum in the air. Any implementation of BPL will have no more effective useful lifetime as a technology of choice than did the Sony Betamax. Are any short-term gains to the economy through manufacturing, distribution, and implementation of Access BPL components worth the devastation it would cause to licensed users of the radio spectrum in the air?
5. Taking the radiation qualities of Access BPL into consideration, would any future privacy concerns of Access BPL users be met with a band-aid approach to legislate or mandate privacy through the outlawing of radio receivers capable of receiving BPL bandwidths? (Remember the 800 MHz cellular telephone receiver ban?) This would be, in fact, an undesirable form of protection in any case.
6. It is incumbent on The Commission to prove that it is acting in the best interests of the nation in managing the resources of the radio spectrum in the air. It seems that The Commission has lost the distinction between the concepts of closed circuit versus over the air transmissions. Part 15 has always been a shaky compromise between the two. However, there has never been quite the spectre of abusive disruption to such a wide array of licensed over the air radio communications services as currently looms with the potential widespread implementation of BPL.
7. While I could have written more about such absolutes as would be defined through the laws of physics, I am doubtful that The Commission has the capacity to understand or consider these things. Therefore, I have attempted to present such material that would engage thought processes concerning the consequences of ill-considered rulemaking.
8. Tyranny starts with the confiscation of guns and the abridging of free speech. Should The Commission amend Part 15 to accommodate Access BPL, and render the design frequencies of 2 to 80 MHz an unusable air resource to the public, The Commission will have then abridged free speech.

Respectfully submitted
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