

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

In the Matter of)	
)	
Current Carrier Systems, including)	ET Docket No. 03-104
Broadband over Power Line Systems)	
)	
Amendment of Part 15 regarding new)	ET Docket No. 04-37
requirements and measurement guidelines)	
for Access Broadband over Power Line)	
Systems)	

**INITIAL COMMENTS OF LECSTAR TELECOM, INC.
AND LECSTAR DATANET, INC.**

LecStar Telecom, Inc. and LecStar DataNet, Inc. (collectively “LecStar”) respectfully submit their comments in the above-captioned proceedings in response to the Federal Communications Commission’s Notice of Proposed Rulemaking (“NPRM”) adopted on February 12, 2004 and released February 23, 2004.

LecStar Background

LecStar is a small Competitive Local Exchange Carrier (“CLEC”) and Internet Services Provider (ISP) based in Atlanta, Georgia serving residential and commercial customers in 9 Southeastern States: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. LecStar establishes marketing relationships with electric utilities in the Southeast, representing one of our primary methods of market entry. Currently, LecStar utilizes a combination of Unbundled Network Element (UNE-P) and Resale platforms from Incumbent Local Exchange Carriers (ILECs) and wholesale DSL services from third party providers to deliver voice

and data services to its customers. LecStar is evaluating Broadband over Power Line (BPL) as a potential alternative access method to the ILEC and third party DSL infrastructures where economically feasible.

Importance of Broadband over Power Lines

Broadband over Power Line services have the potential to open a new and ubiquitous avenue for consumers to obtain high quality data and voice services over the power lines in the customer's home or business. The flexibility to create a Local Area Network (LAN) using existing electrical wiring is likely to be a very attractive feature for all customer types. In addition, the competitive wholesale stranglehold that is employed by the ILECs, forced by regulatory obligations to offer access services, creates an environment that results in poor wholesale service support, translating directly to reduced customer satisfaction with competitive alternatives.

LecStar, like many other ISPs and CLECs, has been actively seeking alternatives to the high cost, poor service and contentious legal and regulatory environment associated with using an ILEC as the monopoly access vendor. Unfortunately, no alternatives are currently viable; however LecStar believes that cost effective access through existing cable or power lines may be possible. Competitive network providers will reduce the cost of access; and therefore, the retail cost of services substantially for the consumer. In addition, competitive access network technologies such as BPL, would spur the deployment of broadband services to rural or difficult to serve areas, and sorely needed investment in the telecom equipment sector of the US economy.

Importance of Cost Effective Wholesale Access Alternatives

Since the advent of competitive choice resulting from the Telecom Act of 1996, retail prices for voice and high-speed data products have been falling, representing enormous savings for both the consumer and business customers that select competitive providers like LecStar. These retail price reductions have largely resulted from a combination of economic, regulatory and technological factors, yet these price reductions alone have not created enough incentives for most Americans to purchase broadband services. The likely reasons include the cost of broadband services relative to alternative offerings, consumer inertia, monopoly rents being charged by a single broadband provider or a lack of availability of the service in the customer's area. The reality is that more cost effective wholesale broadband access alternatives are needed to drive wholesale data and voice access costs and, therefore, retail prices down. Access to a robust wholesale BPL network would permit new entrants and existing players to create innovative and cost effective service and feature bundles for consumers in areas that are currently underserved.

Broadband over Power Line as an Access Alternative

Broadband over Power Lines (BPL) has enormous potential as an access alternative for the following reasons:

- Ubiquity – power lines are installed in nearly all homes and businesses in America and, often, are better maintained than other potential access infrastructures;

- BPL more efficiently uses existing utility infrastructure; and
- In many instances, electric utilities have the access to capital required to invest in the delivery of broadband services over power lines.

BPL represents the most efficient potential new broadband alternative available to serve all Americans with low cost, high quality voice and broadband data services.

“Access BPL” Definition (paragraph 32)

LecStar requests that any “Access BPL” definition include both VoIP and high-speed data applications. While data is clearly the focus of the proposed definition, voice applications should be of equal interest, ensuring competitive bundled voice and data offerings can be offered to customers over this infrastructure. LecStar requests that the Commission consider voice applications in any BPL policy discussion.

Radiated Emission Limits (paragraph 38)

LecStar is very concerned that the Federal Communications Commission is proposing to classify BPL as a “Class B” service. The rapid deployment of this technology should be a paramount priority, given its significant potential benefit to so many underserved Americans. If the Commission were to classify BPL as a “Class A” service, the incremental increase in power of 20dB would mean a substantial reduction in capital requirements and, therefore, wholesale access costs. Classification as Class A service would increase the likelihood and speed of deployment by utilities and result in lower BPL network access costs for CLECs and ISPs due to the improved economic viability of the technology.

The FCC, in this instance, is developing a proposed rule that is generally supportive of the commercial deployment of broadband services to address President Bush's recently defined goal of ensuring all Americans have access to broadband services by 2007, the Commission and Rural Utilities Services (RUS) efforts to promote rural broadband access and many other important public policy initiatives. The classification of BPL as a Class A service would substantially enhance the likelihood of success and speed of adoption in the market.

Recommendation

LecStar urges the Commission to include voice or VoIP services in its definition of "Access BPL". Further, LecStar respectfully requests that the Commission classify BPL as a "Class A" service with the associated 20 dB increase of power, to create greater network efficiency and ensure more rapid deployment of broadband services to the underserved communities in America.

Respectfully submitted,



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