

Before the Federal Communications Commission
Washington, DC. 20554

In the matter of

Carrier Current Systems
Including Broadband Over Power Lines

Docket 04—37

Reply Of J. Andrew Beyer (Kb9ngi,) C. Suzanne Beyer (Kb9oyo,) And Richard Lowell Esq. (N9IBE) Licensed Amateur Radio Operators To Reply Comments Filed By The California Public Utilities Commission

- The undersigned are Commission licensees (hams.)
- They are not an entity or organization. Two are members of the ARRL.
- None of the undersigned has a financial interest, excepting only personal owned equipment, in the matters before the commission.
- They have, as licensees, shared concerns, and have participated in the drafting of this response document.
- They are licensed at three different levels, Extra, General, and Technician.

The following is our reply to the reply comments filed before the Commission by the Californian Public Utilities Commission (CPUC) as individuals.

I. Level of Interference

CPUC suggests in its opening comments, that there is some disagreement on the part of other commenters as to the precise level of interference BPL will cause to various radio communications. CPUC ignores two salient facts:

there is no disagreement that harmful interference will occur, and neither the comments it dismisses, nor study data; suggest that the problem is trivial.

It is noteworthy that the voices of so many diverse radio spectrum users have expressed concerns to the Commission. Manufacturers, who might reasonably consider the proposal a source of potential income, have commented against the proposed rule. Not infrequently in our experience, enterprises are more favorably disposed towards new services than are Amateurs. "Hams" who have an often-substantial investment in existing hardware, are sometimes a bit conservative. While CPUC is correct that there is some (insignificant) difference in the anticipated level of interference, there is broad consensus, undisputed by study or experience: there will be harmful interference.

CPUC states, " Since BPL is very much in its infancy, we also believe that adequate testing and unbiased field trials are necessary in order to determine and identify the scope of the potential interference that BPL may have on other services, including voice, radio, DSL and cable modem broadband services." The problem is that there have been such studies, and BPL fails every time. The reverse is not true; no study supports the proposed rule.

II. Effect on Competition and Deregulation

We agree completely with CPUC on this issue. We applaud the Commission and its staff, for the ongoing efforts to reduce regulation to the effective minimum.

At the same time, the Commission should perhaps consider its experience in the area of enforcement. One of us regularly reads the Commission's published documents regarding enforcement. Consistently, the issue of harmful interference, by power companies, is an area of staff intervention.

Adding to the load of Commission staff, and ignoring the history of power line transmissions even when no signal is being carried, seems to us contrary to the Commission's stated objectives.

III. Notification Requirement

We are concerned that already, before the operation of any authorized systems, Sprint Inc. and the CPUC are seeking to avoid disclosures that could be used to resolve the expected incidents of interference. The likelihood of full cooperation at least from two companies (see the our comments on the Andrew Company's comments,) when issues arise should give the Commission pause.

IV. State Authority

We agree with CPUC on the need to uphold State authority to regulate within State borders. Texas, with its vast lightly populated areas has issues and problems that New Jersey and other urban States do not have, or have in lesser measure. We in Illinois see out State regulators as the balancing agent between our several major metropolitan areas and our large rural areas.

V. Other Items

Throughout the document, CPUC assumes that BPL is the only way to bring or one of the best ways to bring the benefits of the Internet to rural communities. The power companies, generally well managed, are not going to ignore the opportunity of scale available in the already well-served metropolitan areas, nor would we expect them to. The rural users, it seems to us are an excuse, not a business goal.

Further, the idea that much of rural America does not have broadband access is false. There is a competitive satellite TV marketplace, which includes Internet access. What rural areas and metropolitan areas lack is a *power company* component in that marketplace. Nothing we have read to date suggest that this is something that is needed.

VI. Conclusions

- The proposed rule is a bad idea. All study information is that there will be harmful interference.
- Approval of this rule will place added load on the Commission's staff.
- The attitude of potential marketplace participants, who already seek to limit available information available to victims of interference, leads us to additional concern.
- The proposed rule should not be adopted.
- The Commission should instead consider a replacement that states the requirements for study information that must be available by the proponents, at their expense, before the rule is reconsidered.

Submitted Respectfully By:
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