

*Reply Comment to the Comments of the National Telecommunications and Information Administration, filed by the NTIA on June 4, 2004, on ET Docket 04-37.*

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On Page 4 of the NTIA Comment, the NTIA suggests the following:

“In fact, existing power line noise and reliability problems ... likely will be remedied as a result of widespread Access BPL deployment. NTIA does not expect Access BPL systems to compound existing risks of interference from radio frequency noise generated by electrical power distributions systems ... Instead, to the benefit of radio proponents, strong power line noise emissions likely will be reduced in the process of deploying BPL systems.”

I would of course be pleased if interference potential at my station location could be reduced. However I am skeptical that this scenario is practical for the reasons outlined below. Incidentally, I am an FCC-licensed user of the radio spectrum, not merely a “radio proponent”.

- Review of previous comments filed thus far on ET Docket 04-37, I find no comment filed by any BPL provider that makes any statement that deploying their system will *reduce* interference potential. *No support for this speculation by the NTIA has been offered by any BPL provider or proponent in any of their filed comments thus far.*
- Even if it were true, this benefit speculated by the NTIA of course fails if, prior to BPL installation, the power utility emissions happen to be relatively free of problems and not causing interference. Not all existing power utility sites are poorly maintained or have defective equipment! Adding BPL emissions in those cases would therefore *increase* the interference potential, thus negating the NTIA suggestion.
- In those cases where there is substantial existing power utility interference, the NTIA seems to be implying that it would be OK to replace one type of interference with another type of interference. If the FCC were to include this strange notion in the final BPL rules, it potentially creates a loophole that, in effect, gives BPL providers authorization to interfere with licensed services by leveraging against or bartering existing interference sources!
- The sources of power utility emissions are owned by the power utility providers, while the sources of BPL system emissions are owned by the BPL provider. If both sources of interference are present, and the total or combined emissions exceed Part 15 limits or cause harmful interference, which party will be responsible for mitigation of the emissions and elimination of the harmful interference? Each could simply claim that their equipment is operating within limits, blaming the other, and that the combined effect is not their problem in any case. Is there a regulatory basis for the FCC to require that coincident emitters must share interference thresholds, as the NTIA seems to be suggesting?

Rather than further complicating this already complex and controversial proceeding by creating rules that legitimize replacing one source of interference with another, these new interference sources (BPL) should be required to minimize interference potential in their installations, and take meaningful measures to eliminate harmful interference when it occurs after installation. Existing interference sources should be eliminated, too, not used as a bargaining chip.