

ET Docket #04-37...Access Broadband over the Power Lines...

To the Commission:

This replies to comments filed by the United Power Line Council on 06-16-2004 concerning a personal meeting with FCC OET staff and those of R. Dean Straw. Mr. Straw correctly asserts that there is undo haste in these proceedings, and the comments of the United Power Line Council suggest that ex parte meetings are occurring. As a licensee of the past 22 year, I have some findings of my own on these facts.

So many legitimate experts are suggesting that there is an unstudied proposal underway here that seems destined to become regulation regardless of the folly in doing so; that this unstudied proposal will result in an unfunded federal mandate on state and local emergency agencies to make their equipment suitable to an electronic environment analogous to water purification efforts near superfund toxic waste sites; that this proposal will interfere with and perhaps undermine the First Amendment Constitutional rights of licensees, in spite of regulatory and legal constraints in place against such action by the Commission; and, further, that this proposal is unnecessary because other (better) technologies exist. Many organizations filing comments and pleadings in this case are highly respected engineering and technical organizations and their findings are highly skeptical of the present proposal. The very manifest weight of the evidence in this matter is that no legitimate government organization would touch this proposition with a ten foot pole, and yet, here we are.

My findings, after reading each and every comment on this proposal are as follows...

1. The proponents of BPL are well-intentioned.
2. The proponents of BPL have not, to date, fulfilled regulatory burdens to correct problems in their existing technologies as power utility companies, let alone as providers of telecommunications.
3. The proponents of BPL have resisted any effort to upgrade or correct deficiencies in power distribution lines already creating harmful interference, and that, this interference should - under the Commission's existing character standards for licensees - prevent BPL proponents from having any standing to enter into this proposal.
4. The proponents of BPL are using every means, legitimate and illegitimate to get the FCC to approve this proposal.
5. The proponents of BPL are, by and large, power utility companies - power utility companies throughout the United States are exempt from having to register their securities (stock) with the state securities commissioners...on this point, that ability to raise unregulated and unrestricted capital is going to be used to develop telecommunications firms, spin those firms off, and to compete against telecommunications firms which must pursue capital-raising without benefit of such exemptions...having the effect of damaging existing telecommunications firms;
6. The Commission, if it adopts the present BPL proposal, is leaving itself open to the question of whether or not it has acceded to political corruption and graft.

Respectfully Submitted:

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