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Federal Communications Commission
Washington, DC

Re: NOI ET Docket No. 03-104

Dear Sirs,

I attempted to e-file this before midnight on June 22, 2004, however, received an error message stating that the docket was closed for comments. After working with a member of your staff this morning I am now attempting to late-file these comments:

I am writing in response to the above noted Notice of Inquiry, particularly with regard to the issue of Broadband over Power Lines. As an amateur radio operator who actively participates in amateur radio emergency communications in the state of Tennessee, I have some serious concerns with regard to the interference potential created by the transmission of Broadband Over Powerlines.

The NOI states in its introduction that the primary purpose for BPL is to bring high speed internet and wireless networking capability at low cost to underserved, last-mile users. I have no objection to the rural population in outlying areas having the same access to high speed internet as those people more closely located to available DSL and high-speed cable opportunities. I do, however, believe that these needs can and are already being met by wireless LANs and satellite services. There is not a pressing need to bring this service to these citizens via BPL when BPL has such a great potential for interference in a number of radio services. The NOI specifically points out the thatservices which include: fixed, land mobile, aeronautical mobile, maritime mobile and mobile satellite, radiolocation, broadcast radio, amateur radio terrestrial and satellite, radio astronomy, broadcast TV and radio, are all potentially affected by BPL and that "(t)his spectrum is also used for public safety and law enforcement, and Federal government aeronautical radionavigation, radio navigation satellite and radiolocation" and that these services ". . .must be protected from harmful interference." I concur and that is the purpose of this letter – to attempt to assure such interference is prevented.

My specific concern lies with amateur radio. Testing of BPL is now occurring at selected sites in the 1.7 MHz to 80 MHz range. The amateur spectrum is sprinkled throughout this range from 1.8MHz to 50MHz. The already demonstrated levels of interference are as unnerving as they are unacceptable. I have heard of utility directors stating that we should not be concerned because we are permitted to operate at such a higher power level

that we would "out shout" the noise at the transmission end. But that is only half of amateur communications. The most important half is in the listening. If we cannot hear, we cannot communicate. If we cannot communicate, we will be ineffective at supplying backup emergency communications in times of natural and man-made disaster.

Each year amateur radio operators show over and over again the importance of this means of communication. During the 9/11 disaster amateur radio was the sole means of communications for the first two days and a primary source for the first two weeks. During Hurricane Floyd amateurs were indispensable and highly praised by emergency service personnel throughout the Eastern coast of the U.S. Annually we help disseminate the ground reports that are so essential to the National Weather Service in issuing tornado warnings that help save lives in our communities – and provide first line communications to those victims seeking to contact the outside world after disaster does strike.

The NOI makes the point that ". . . homeland security would be enhanced by creating new facilities to provide redundancy in case of disruption of one or more existing channels of communications," yet does not acknowledge the disruptive impact of interference generated at the level as shown in the above named link, which could completely make ineffective both the front-line emergency service communications as well as the backup amateur service communications already in place and operating in conjunction with the emergency services in a smooth and efficient manner. It seems that such a disruption would be a negative impact on homeland security rather than a desirable and positive impact.

The NOI makes clear that there is presently no standardized system of measurement in place to measure interference and hints that it is willing to make changes to Part 15 to ease the way for BPL – this desirable, "nascent technology." It would be far better to require not only standardized measuring systems but also to enforce Part 15 as it now stands and to require any unlicensed user who causes interference to a licensed user to cease and desist from operation and to correct the problem before transmitting again.

I would not be nearly so uncomfortable with BPL and its potential for harmful interference if I believed that this aspect of the Rule would be strictly enforced. Unfortunately, the problems have already begun during the recent trials and it appears clear, at least so far, that the FCC is denying the enforcement of Part 15. In one case in Cedar Rapids, IA, an amateur has made complaints now for over ten weeks about the BPL interference – to no avail. The unlicensed user is not being made to comply with the Rule and is thus far still operating and interfering with the licensed user in that situation. This does not create a high confidence level for those of us watching the unfolding events related to BPL.

In closing, while I support the general idea of bringing high speed internet service to "last-mile" users, I am decidedly not in favor of doing so at the expense of licensed radio services, many of whom are vital to the local, regional and national security of this country (and I do include amateur radio in that group). Please reconsider your position and do not encourage testing and implementation of this technology unless and until such

time as there are standardized systems of measurement in place and the potential for harmful interference has been adequately and satisfactorily addressed. Thank you for making a forum for comment available and for considering these remarks.

Best regards,
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