

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

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Review of Part 15 and other Parts of the)
Commission's Rules.) ET Docket No. 01-278 /
)

COMMENTS OF THE UNITED TELECOM COUNCIL

Pursuant to Section 1.415 of the Federal Communications Commission's ("Commission") Rules, the United Telecom Council ("UTC") hereby submits the following comments on the Commission's *Notice of Proposed Rulemaking* in the above-referenced docket.¹

By its *Notice*, the FCC proposes to review and update its Part 15 rules with respect to the emission limits that apply to certain operations in discrete bands. Although UTC takes no position on the merits of the specific proposals under consideration, it does support generally the Commission's reexamination of its emission limits to determine the extent to which these limits may be increased without creating a significant risk of interference to other operations. UTC recognizes that these emission limits play an important part in reducing the potential for interference by Part 15 devices, but it is concerned that the current limits may be unnecessarily stringent,

¹ Review of Part 15 and other Parts of the Commission's Rules, *Notice of Proposed Rule Making*, ET Docket No. 01-278, FCC 01-290, 16 FCC Rcd. 13,982 (2001) (published in the Federal Register, Nov. 27, 2001 (66 FR 59209-01)("NPRM").

No. of Copies rec'd 0716
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particularly where the potential for interference is mitigated by other factors. Therefore, UTC applauds the FCC's initiative in this proceeding to eliminate unnecessary restrictions that would be outweighed by the public interest in the deployment of innovative new technologies.

I. Introduction

UTC is the global trade association for the telecommunications and information technology interests of utilities, pipelines and other critical infrastructure industries. The members of UTC own, manage and operate extensive private communications networks that support their core business services. Some UTC members also provide communications services to the public, either directly as retailers or indirectly as wholesale carriers' carriers. UTC advocates on behalf of the distinct private and external communications interests of its members by supporting policies that ensure the integrity of critical infrastructure communications and encourage telecommunications competition.

Since 1998, UTC has actively followed the development of technology designed to enable digital communications via power lines. It established an open forum to identify significant issues for the deployment of this technology in North America. The forum is composed of both utility members and technology vendors, working together to eliminate technical and regulatory barriers. As such, UTC has opposed the adoption of conducted emission limits that might discourage the deployment of digital powerline

technology.² Now, UTC believes that the instant proceeding represents a larger opportunity for the Commission to formulate policies that actually encourage the deployment of this nascent technology.

II. The Commission Should Adopt Emission Limit Policies that Encourage the Deployment of Advanced Telecommunications Services.

In 1996, Congress empowered the FCC to eliminate unnecessary regulations and to promote the deployment of advanced telecommunications services. It mandated that the Commission shall (1) review all regulations issued under this Act in effect at the time of the review that apply to the operations or activities of any provider of telecommunications service; and (2) shall determine whether any such regulation is no longer necessary in the public interest . . .³ In order to spur deployment of advanced telecommunications technologies capable of delivering broadband speeds exceeding 200 kilobits per second, it also mandated that the FCC “take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.”⁴

Consistent with the intent of Congress, the FCC should upon request consider relaxing the emission limits that would apply to broadband technologies, particularly where the potential for interference is mitigated by other factors. It is likely that a slight relaxation of the limits would not result in harmful interference, particularly in a rural environment where operations would likely be out of proximity to impact licensed

² In the Matter of 1998 Biennial Regulatory Review – Conducted Emissions Limits Below 30 MHz for Equipment Regulated under Parts 15 and 18 of the Commission’s Rules, ET Docket No. 98-80, *Notice of Inquiry*, 1998 WL 292826, Comments of UTC, The Telecommunications Association at 3 (filed July 27, 1998).

³ 47 U.S.C. §161 (2001).

communications. Moreover, this may unleash technologies to deliver high-speed applications that could not otherwise be provided within the constraints of the current emission limits.

UTC looks forward to working with the Commission on this concept going forward, and appreciates the consideration of these comments, which support the general concept underlying the specific proposals made in the *NPRM*. UTC is working with its members to develop a consensus position on the emission limits that should apply to powerline broadband technology. Participants have generally agreed that relaxing emission limits, particularly above 30 MHz, would enable the delivery of higher speed applications across greater distances at significantly lower cost. UTC is studying the issue and intends to report its findings to the Commission concerning the emission limits, the measurements and the operating frequencies under consideration. At that time, UTC urges the Commission to “take immediate action” to encourage the deployment of this technology.

⁴ 47 U.S.C. § 706(b), Communications Act of 1934, as amended.

WHEREFORE, THE PREMISES CONSIDERED, UTC requests the Federal Communications Commission to take action in accordance with the views expressed in its comments.

Respectfully submitted,

UTC


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Dated: February 12, 2002