

Comments to ET Docket 04-37

The FCC has ruled that Broadband over Power Lines will be regulated under Part 15 of the USC. Since the potential exists to interfere with licensed spectrum operations from the broadcast band to 80 MHz, the FCC is placing the burden of remedy on the BPL provider and allowing the market to determine the best use of the spectrum.

Since there is a potential for interference with Part 97 operators, a recommendation is made that the BPL signals be RF tagged to enable easy identification of the source of the potential interference. This is not without precedent as the Part 97 operators are required to identify their signals as a regular part of their operation.

To support the cost of obtaining remedy from interference, the FCC should collect a tax from the BPL operator to be used to identify and resolve interference problems. A BPL Bureau should be established for that purpose. In the past, the FCC has assumed its regulatory power provided under law to ensure good engineering practices and reasonable accommodations made for new technologies. The FCC should not abdicate its role on this new technology and business area.

To further ensure that the BPL provider can be identified and contacted, a database should be developed and maintained. Again, the FCC would be an appropriate non biased organization to install and maintain such a database. In recent years, American businesses have gone to great extremes to disconnect themselves from their customers. In the case of interference, it can only be imagined the extremes a company would go to frustrate and be non responsive to a complainant. The thought that the BPL carriers would voluntarily establish and maintain a database seems unlikely indeed.

Support and consideration should be given to methods of measuring interference and monitoring on an on-going basis. Measurements at a distance of 10 meters may be hard to do in an urban environment as it may impossible to get 10 meters from a power line. The level of noise in an urban environment today is already so high as to make portions of the spectrum unusable.

BPL (Broadband over Power Lines) in it infancy and in order to protect all users of the spectrum, needs to be implemented in accordance with good engineering practice and remedies to resolve interference issues need to be put in place from a regulatory and legal as well as a technical perspective.