

Docket 04-37 Comment -

1. The NTIA Phase 1 report and a great deal of other already submitted evidence, including that from other countries, clearly indicate there can be serious interference caused by BPL to all licensed users of the HF spectrum (2 - 80 Mhz). Clearly mitigation procedures dealing with this interference need to be part of this NPRM and Order proceeding. While the NTIA Phase 1 report initiates the discussion of the interference problem, NTIA postpones discussion of possible mitigation, penalty and related issues until its Phase 2 report. As a result, it would seem wise to postpone the Order in this proceeding until the NTIA Phase 2 report and other currently ongoing tests by various technical organizations worldwide can be completed and evaluated.

2. Based upon past experience with the Power Utilities and their generally non responsive track record over a many year time span in dealing with existing interference to licensed services using the 2 - 80 Mhz HF spectrum, some specific requirements dealing with identification and/or the source from within the BPL data stream (and readily identifiable by non subscribers to the service) need be stated, timely remediation of interference problems and penalties to be imposed on the BPL providers for non compliance also must be included in this NPRM/Order process. Reference should be made to the many letters from the FCC Enforcement Bureau dealing with these matters ----see www.arrl.org, among other sources, for details of these matters and lack of responsiveness by the power utility companies. Also, based on the tests performed to date, it is clear that the workload for EB will increase many fold so additional funding for this workload must be provided.

3. From a technical point of view, the original Part 15 rules were designed to deal with interference on an occasional and localized basis, not 24/7 and not over a wide geographic area and clearly were not designed with BPL in mind. As a result, additional Part 15 rules need to be written specifically to control interference from BPL to the licensed HF spectrum users.

4. The BPL providers must be required to inform potential customers as part of any customer contract about the potential for interference and hence non performance of this service caused by licensed users of the 2 - 80 Mhz. HF spectrum.

Bradley W. Wyatt K6WR
18400 Overlook Rd. #5
Los Gatos CA 95030-5850