

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

In the Matter of

Carrier Current Systems, Including)	ET Docket No. 03-104
Broadband over Power Line Systems)	
)	
Amendment of Part 15 Regarding New)	
Requirements and Measurement Guidelines)	ET Docket No. 04-37
For Access Broadband Over Power Line)	
Systems)	

To: The Commission

REPLY COMMENTS OF THE POWER LINE COMMUNICATIONS ASSOCIATION

The Power Line Communications Association (the “PLCA”), by its counsel, and pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby submits reply comments in the above-captioned proceeding.

Founded in 2001, the PLCA is a domestic trade association representing the interests of electric utilities, manufacturers, and Internet service providers who are interested in offering power line communications, or broadband over power lines (“BPL”).

Of the hundreds of comments filed in this proceeding, perhaps none is more significant than those filed by the National Telecommunications and Information Administration (“NTIA”). NTIA filed a report in two volumes entitled, *Potential Interference from Broadband over Power Line (BPL) Systems to Federal Government Radiocommunications at 1.7 – 80 MHz* (the “NTIA Report”). In the Report, NTIA stated that its research is continuing and that in the near future it would be filing a second report regarding Phase II of its studies, dealing with the potential effects of aggregated emissions from mature BPL systems via ionospheric signal propagation.

Nonetheless, NTIA also filed comments, including an extensive technical appendix, which, it stated, address the most significant issues that are still being studied by NTIA.

The NTIA Report has been cited by commenters, who oppose BPL, as the reason for the Commission to take all manner of action, from killing the infant technology in its cradle to delaying progress in this proceeding until, presumably, the technology has died of old age without ever leaving its cradle. For this reason, it is instructive to examine what NTIA itself has said about its own studies.

Speaking to the United Telecom Council's annual meeting in Nashville, Tennessee, on May 17, Acting Assistant Secretary of Commerce Michael Gallagher stated that Phase II of NTIA's study has been completed and NTIA has determined that BPL aggregation and ionospheric propagation will not be a potential near-term problem. The Secretary stated that NTIA has concluded that millions of BPL devices would have to be deployed before ionospheric propagation and aggregate BPL emissions even become an interference issue. Secretary Gallagher summed up his agency's position by saying that "our BPL study of more than 10 million signal samples shows that solutions exist to all identified BPL technical issues."

NTIA, the guardian of the nation's vital federal radiocommunications systems, sees no reason to halt or delay the instant proceeding. Those who would use NTIA's Report, comments or technical appendix to impede this proceeding have no basis for their arguments. The Commission has been considering BPL rules and polices for more than three years – an eternity in the lifetime of emerging technologies. There has been no rush to market. And no one, including NTIA, has persuasively argued in comments that the resolution of this proceeding should be delayed.

The Commission should not lose sight of the fact that, in addition to commercial broadband service, BPL makes possible several new utility-internal applications that will improve the efficiency and reliability of the electric infrastructure and municipal services. These applications include outage monitoring, automated meter reading, SCADA functions, and control of traffic signals. These improvements should not continue to be withheld from the public by further delays in the resolution of this proceeding.

NTIA has recommended no changes in the Commission's present BPL emissions limits. While NTIA has identified concerns with possible harmful interference, it has also suggested adaptive techniques to mitigate this potential interference. PLCA supports the *technological* adaptive interference avoidance measures recommended by NTIA.

NTIA has gone further – too far in fact – and suggested burdensome and unwarranted *administrative* measures, intended as additional safeguards against harmful interference, which PLCA strongly opposes. These measures include a requirement for individual BPL system operators to obtain their own equipment authorizations for Access BPL devices; application of the Certification equipment authorization procedure to Access BPL devices instead of the Verification equipment authorization procedure; and the creation of a prior frequency coordination requirement with existing licensees, using a database of BPL deployment information.

PLCA urges the Commission to reject NTIA's belt-and-suspenders approach to interference prediction and avoidance. NTIA has not advanced a single credible argument to show that the enormous cost of these administrative measures will be justified by any incremental improvement in interference avoidance over proposed adaptive interference mitigation techniques.

NTIA's suggestion for a prior frequency coordination requirement amounts to a licensing requirement that is absolutely contrary to the unlicensed operation concept of Part 15. Worse, there would be no licensing process or procedure in place to determine whether a contested installation may proceed. PLCA can hardly imagine a situation more open to abuse than NTIA's coordination and database proposal. There is no valid reason to single out BPL for such regulatory overkill.

NTIA's suggestion that individual BPL system operators, and not equipment manufacturers, obtain equipment authorization – and Certification, not Verification, at that – is similarly misguided and unworkable. It rests on the premise that the operator of the equipment should bear full responsibility for it. It ignores the fact that a manufacturer will have no market for its products if the BPL network cannot deliver broadband service without causing interference to licensed systems. Even in the example cited by NTIA, cable television set-top boxes are subject to the Declaration of Conformity equipment authorization procedure, not Certification, despite the well-known interference problems that the cable television industry has experienced.

As Secretary Gallagher stated when he transmitted the NTIA Report to the Commission, “Timely and successful completion of the Commission’s BPL docket will lay the foundation for meeting the President’s vision for the availability of competitive, universal, and affordable broadband services by 2007.” The PLCA agrees with this sentiment and urges the Commission to proceed with the resolution of this proceeding with the least possible regulatory restraints on this emerging technology.

Respectfully submitted,

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June 22, 2004