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

In the Matter of	)
	)
Amendment of Part 15 regarding new requirements	)
and measurement guidelines for Access Broadband	) ET Docket No. 03-104
over Power Line Systems	)
	)
Carrier Current Systems, including Broadband over	) ET Docket No. 04-37
Power Line Systems	

To: The Commission:

My name is G. Scott Davis, N3FJP. I am an Extra class Amateur Radio operator, filing the following Petition for Reconsideration for the Commission's rulemaking regarding Broadband Over Powerlines, FCC Docket 04-37, as expressed at the following URL:

http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6516882767

As the Commission noted, many Amateur Radio operators, as well as BPL providers including Progress Energy, requested that the Commission further define "harmful interference". This request was made in light of the unique type of interference generated by BPL transmissions under part 15 and their likely effect on the types and signal levels of communications routinely conducted in the Amateur Radio Service.

Paragraph 21 states in part:

"Many individual amateurs also ask that we define "harmful interference" for purposes of Section 15.5 of the rules."

The Commission elected not to clarify the existing definition as stated in *47* C.F.R. 5 2.1. Section 2.1.

Paragraph 23 states in part:

"We point out to the individual amateurs commenting in this proceeding that the definition of harmful interference as used in Section 15.5 of the rules is set forth in Section 2.1 of the rules."

The existing regulation quoted in Footnote 51 States:

"See 47 C.F.R. 5 2.1. Section 2.1 defines harmful interference as [I]nterference which endangers the functioning or a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunications operating in accordance with these [international] Radio Regulations. (RR) We note that this definition is consistent with Resolution 68 of the Radio Regulations."

The Commission failed to clarify how this definition applies to many types of communications routinely conducted by the Amateur Radio Service. For example, many Amateur Radio operators routinely conduct weak signal communications, scanning frequencies and making contacts with stations that are in or just marginally above the noise floor. Often the strength of these signals is below S1.

From Amateur Radio's perspective, an S1 BPL signal is one that would seriously degrade, obstruct, or repeatedly interrupt the ability to communicate with these weak signal stations and is by definition "harmful interference". On the other hand, BPL providers such as Progress Energy believe "harmful interference" must meet a number of criteria including:

"The interference should have to be proven to so greatly interfere with operations such that communications are practically unintelligible."

Source: http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6516182999

Progress Energy does not specify a signal level at which they believe communications must be "practically unintelligible". It is quite possible that BPL providers, not fully understanding the nature of Amateur Radio communications, may believe that an S1 or S2 noise level does not preclude most communications and is therefore not harmful.

If the Commission intends to protect the Amateur Radio Service from interference to weak signal communications, it is absolutely essential that this intent be clearly stated. At present, many Amateur Radio operators are not convinced that the Commission will in fact protect weak signal communications.

This uncertainty is having a direct impact on the Amateur Radio Service and the economics of the Amateur Radio market:

- Amateur Radio operators are more reluctant to invest in new equipment.

- Those considering involvement in Amateur Radio are more reluctant to proceed with the specter of BPL interference.

- Amateur Radio operators may fear that filing a complaint that they view as legitimate may be seen as frivolous by the Commission.

- BPL providers may not realize the expectation of protecting weak signal communication and therefore disregard those complaints.

I respectfully request that the Commission provide clear assurance that all types of routine communications in the Amateur Radio service, including weak signal communications, will be protected from harmful interference.

Thank you for your consideration in this matter.

Sincerely,

G. Scott Davis
Extra Class Amateur Radio Operator – N3FJP