

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street 11th floor
Arlington VA 22209
703-812-0400 (voice)
703-812-0486 (fax)

MITCHELL LAZARUS
703-812-0440
LAZARUS@FHHLAW.COM

May 24, 2006

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: ET Docket No. 04-37, Broadband Over Power Line Systems
Ex Parte Communication

Dear Ms. Dortch:

On behalf of CURRENT Technologies, LLC, pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am electronically filing this letter to report an oral *ex parte* communication in the above-referenced docket.

Yesterday, Jay Birnbaum and Jim Mollenkopf of CURRENT Technologies and I met with Julius Knapp, Karen Rackley, Bruce Romano, Alan Scrim, and Alan R. Stillwell, all of the Commission staff.

We reiterated the points raised in CURRENT Technologies' Petition for Reconsideration of February 7, 2005. A copy of our presentation outline is attached.

Please do not hesitate to call with any questions.

Respectfully submitted

Mitchell Lazarus
Counsel for CURRENT Technologies, LLC

cc: Meeting participants

FLETCHER, HEALD & HILDRETH

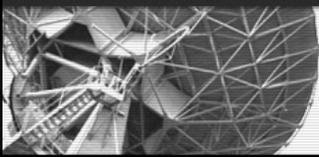
Broadband Over Power Line Systems

ET Docket No. 04-37

CURRENT Technologies, LLC

May 23, 2006

Mitchell Lazarus | 703-812-0440 | lazarus@fhhlaw.com



Serving the Telecommunications
Industry since 1936

About CURRENT -- 1

- ❑ **CURRENT recently announced a \$130 million equity financing**
 - **investors now include Duke Energy, Earthlink, General Electric, Goldman Sachs, Google, Hearst Corporation, Liberty Media, and TXU Corp**
- ❑ **CURRENT recently announced the largest BPL deployment in the world**
 - **2 million homes passed in TXU Electric Delivery territories, including Dallas, Fort Worth, and Waco starting in 4Q '06.**

About CURRENT -- 2

- ❑ Texas deployment includes first-ever, wide-scale deployment of BPL-enabled Smart Grid services for an electric distribution company:
 - automated meter reading, real-time automated distribution network monitoring, broadband monitoring of substations, other critical infrastructure
- ❑ Ongoing pilots include Pepco, Hawaiian Electric Company, Los Angeles Department of Water & Power, Southern California Edison, and San Diego Gas & Electric, among others, mostly focused on various Smart Grid applications.

CURRENT's Issues on Reconsideration

1. 30-day advance disclosure in public database
2. July 7, 2006 certification deadline for shipment and installation.

ARRL has stated publicly that CURRENT's BPL deployments are non-interfering to amateur radio.

Thirty-Day Advance Disclosure

- ❑ **Required: advance disclosure of provider, frequencies, zip codes, equipment FCC ID, contact point, start date**
 - **BPL must wait 30 days before offering service**
- ❑ **Advance disclosure lets competitors target BPL roll-out**
 - **BPL has no comparable information on competitors**
- ❑ **Advance disclosure does not serve the purpose of the database – viz., facilitating interference reports**
 - **ARRL improperly seeks before-and-after testing**
- ❑ **Advance disclosure violates APA**
 - **not raised in NPRM; parties had inadequate notice.***

* NTIA's comment suggesting advance notice (June 4, 2003) does not satisfy the APA.

Certification Deadlines -- 1

- ❑ **Required: certification for BPL devices manufactured, imported, marketed, or installed on or after July 7, 2006**
- ❑ **February 2005: CURRENT foresaw problems in shipping and installing certified devices by July 2006**
 - **technical rules require extensive re-engineering**
 - **no TCB certification available**
 - **deadline comes during major roll-out**
 - **tens of thousands of devices in pipeline.**

Certification Deadlines -- 2

- ❑ **CURRENT expects to meet July 7, 2006, certification deadline for manufacture, import, shipment**
 - **request extension only to continue installation of first-generation equipment then in hands of BPL operators**
 - **all devices will have been properly verified**
 - **will share test results with the FCC on request**
- ❑ **BPL devices are fully regulated in the meantime**
 - **emissions limits, 47 C.F.R. §§ 15.101(a), (b), (e)**
 - **interfering BPL must fix the problem or shut down, 47 C.F.R. §§ 15.5**
- ❑ **Present installation deadline will delay competitive broadband.**

Thank you!

Mitchell Lazarus | 703-812-0440 | lazarus@fhhlaw.com