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July 26, 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 Angela Giancarlo 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

Broadband Over Power Line Systems

ET Docket No. 04-37

CURRENT Technologies, LLC

July 25, 2006

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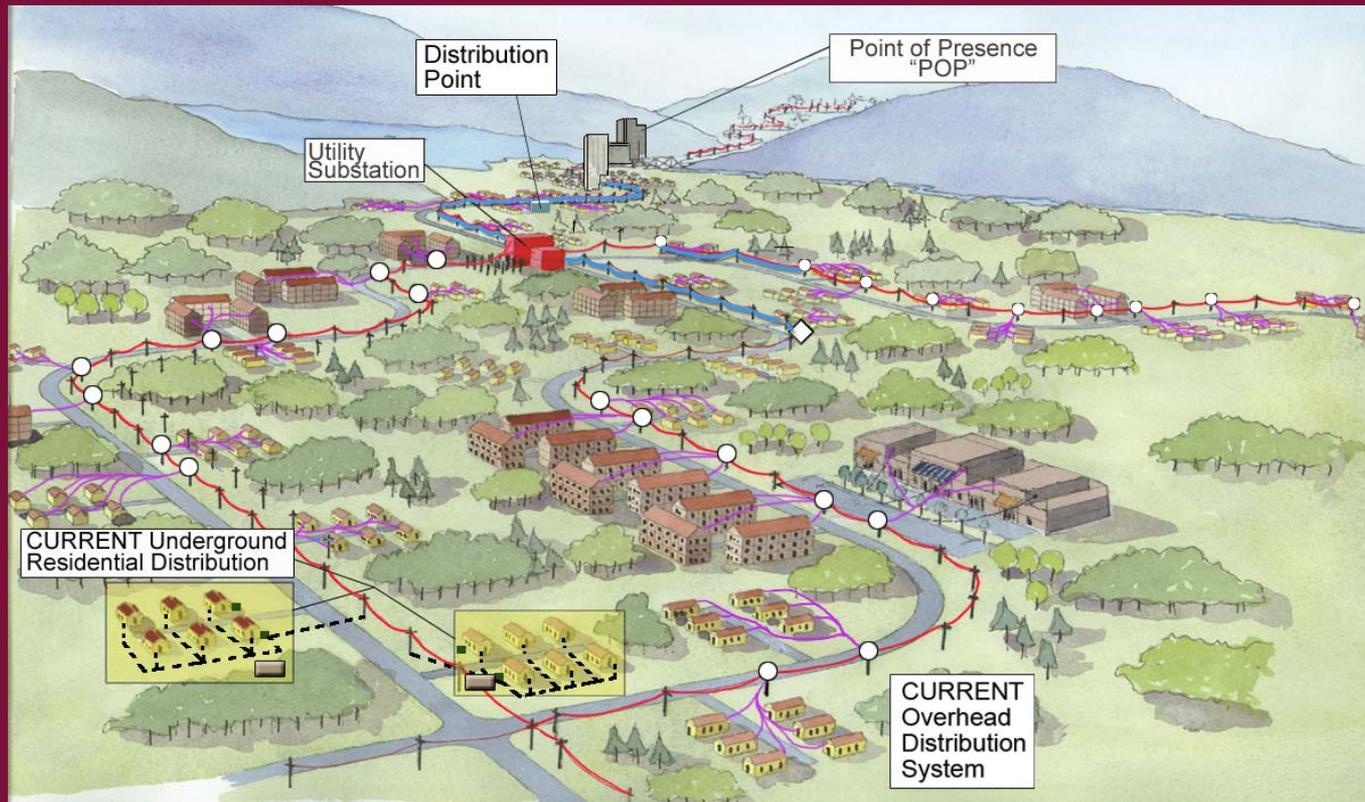
About CURRENT -- 1

- CURRENT recently announced a \$130 million equity financing
 - investors now include Duke Energy, Earthlink, General Electric, Goldman Sachs, Google, Hearst Corporation, Liberty Media, 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/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 and other critical infrastructure
- Ongoing pilots include Pepco, Hawaiian Electric Company, Los Angeles Department of Water & Power, Southern California Edison, San Diego Gas & Electric, among others
 - mostly focused on various Smart Grid applications.

BPL System -- Overview



LEGEND

- CT Bridge® Pole Assembly
- ◇ CT Backhaul-Point® Pole Assembly
- CT Bridge URD Assembly
- Fiber
- Primary Feeder
- Low Voltage Lines
- Underground Power Lines

BPL Installation -- Overhead



BPL Installation -- Underground



BPL Installation – Inside the Home



CURRENT's Issues on Reconsideration

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

CURRENT Coexists with Amateur Radio

- ❑ ARRL (National Association for Amateur Radio) initially opposed BPL
- ❑ CURRENT does not use amateur radio frequencies
- ❑ ARRL told the FCC that CURRENT is non-interfering to amateur radio
 - ARRL wants all BPL to use CURRENT's approach
- ❑ There have been no interference complaints against CURRENT.

Certification – Petition for Recon.

- ❑ Rules require certification for BPL devices manufactured, imported, marketed, or installed on or after July 7, 2006
- ❑ CURRENT filed a Petition for Reconsideration (Feb. 2005)
 - requested more time for shipping and installation
 - extensive re-engineering required
 - July 2006 deadline during major roll-out
 - many devices in pipeline.

Certification – Modified Request

- **CURRENT seeks to install (not market) first-generation devices only in existing systems**
 - **new service areas will use certified devices**
 - **not interchangeable with older systems**
- **Requested extension applies only to BPL devices:**
 - **received by BPL operators before July 7, 2006**
 - **installed in zip codes served as of July 7, 2006**
 - **installed in systems contiguous with those operating on July 7, 2006.**

Certification – Public Interest

- ❑ First-generation devices are fully regulated
 - same 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
- ❑ Unfair to handicap CURRENT because other companies have triggered interference complaints
- ❑ Present installation deadline will delay competitive broadband.

Advance Disclosure – Public Interest

- ❑ Rules require advance disclosure of provider, frequencies, zip codes, equipment FCC ID, contact point, start date
 - BPL must then wait 30 days before initiating service
- ❑ Advance disclosure lets competitors target BPL roll-out
 - competitors know where to offer low starting rates for long-term contracts
 - BPL has no access to comparable information on competitors.

Advance Disclosure – Legality

- ❑ **Advance disclosure violates APA**
 - not raised in NPRM
 - parties had inadequate notice for comment*
- ❑ **Stated purpose of database: identification of local BPL operations “so that any incident of harmful interference can be resolved should it occur.” BPL R&O at para. 83**
 - advance notice does not further that purpose
 - ARRL improperly seeks advance notice for before-and-after testing.

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

Thank you!

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