

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

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| In the Matter of Carrier Current Systems      | ) |                   |
| including Broadband over Power Line           | ) |                   |
| Systems amendment of Part 15 regarding        | ) | ET Docket #03-104 |
| new requirements and measurement guidelines   | ) | ET Docket #04-37  |
| for Access Broadband over Power Line Systems. | ) |                   |

**REPLY COMMENTS OF JAMES EDWIN WHEDBEE  
TO EX PARTE CONTACTS OF CURRENT TECHNOLOGIES, LLC**

To the Commission:

These reply comments are submitted to respond to the ex parte contacts of Current Technologies, LLC (“Current”), with the Commission during the above-captioned proceedings. In responding to Current, the undersigned states as follows...

[1] Throughout these proceedings, I have maintained that broadband over the power lines (BPL) is obsolete technology incapable of competing with newer wireless broadband, and therefore, must be more stringently regulated.

[2] In support of my position that BPL was at the time it was adopted and remains obsolete, I quote the following online article from ARRL (2010) which demonstrates that the City of Manassas, Virginia is closing out its BPL service for reasons of fiscal and technical obsolescence...

**“City of Manassas to End BPL Service**

*Once touted as "the most successful BPL deployment in the nation," the City of Manassas, Virginia has decided to get out of the BPL business, once and for all. At a Special Meeting on Monday, April 5, the Manassas City Council -- acting on a recommendation from the Manassas Utilities*

Commission -- unanimously voted to discontinue Broadband over Powerline (BPL) Internet service as of July 1, 2010 to the approximately 520 residents and businesses who currently subscribe to the service; these customers were told that they have three months to find a new Internet service provider.

According to Manassas City Clerk Andrea Madden, there was no discussion on the resolution to discontinue service and the motion was passed "without incident."

With the motion made by Councilman Jonathan Way and seconded by Mark Wolfe, the City Council cited three reasons for discontinuing BPL service: a declining customer base, an annual income deficit of almost \$166,000 from providing Internet service, and a determination that AMI [Advanced Metering Infrastructure] platforms don't require BPL. Way and Wolfe favored shutting down the BPL system in November 2009, the last time this matter was brought to the Council's attention. "The City needs to get out of BPL forthwith," Way said back in 2009. "It's not a good product. The whole business is not financially sound and it never has been."

Manassas residents pay \$24.95 each month to receive Internet service via BPL. In November 2009, the Utility Commission showed the Council that little more than 500 residents and 46 businesses currently subscribed to the service, which since 2008, has been run by the City. "It's costing a little more to maintain the system than we projected in the budget," Manassas Director of Utilities Michael Moon told the Council. "The original projections were that the customer base would be double this." In September 2008, the Manassas City Council voted to assume control of the BPL service from COMTek, the private company that served (back then) approximately 675 residents.

In January 2009, there were 637 residential and 51 commercial BPL subscribers in Manassas. In February 2010, those numbers had shrunk to 457 residential and 50 commercial subscribers. The Utilities Commission said that the total revenue brought in by BPL for FY2010 was almost \$186,000, but the expense of keeping up the City-owned system was costing the ratepayers a little more than \$351,000, resulting in a net loss of almost \$166,000.

"In October 2003, the Manassas City Council was told that it could expect as much as \$4.5 million in revenue from awarding a 10 year BPL franchise," said ARRL Chief Executive Officer David Sumner, K1ZZ. "Instead, six months later, BPL had turned into a money pit for the City of Manassas. Anyone thinking of investing in BPL would do well to learn from the Manassas experience."

In November 2009, Manassas' Assistant Utilities Director (Electric) Gregg Paulson told the ARRL that they had "every intention of putting BPL Internet service in the budget and the Council can decide its fate as they work through the budget process." Paulson also said that while Internet service to consumers would "probably" be the only thing that would be cut if the Council decided to forego BPL, he left the door open as to using the BPL infrastructure for other purposes: "We still own the BPL network, but we may or may not use this network for utility monitoring or other AMI purposes."

But according to the resolution passed by the Council, the Manassas Utilities Department will not be using BPL for AMI, but instead will use "a combination of fiber and wireless technology exclusive of the BPL." According to the Agenda Statement for the Special Meeting, the BPL equipment will be removed from the system and "inquiries will be made regarding the salvage value."

Sumner said that the ARRL's concern was not with the business plan -- that he termed "obviously flawed" -- but with "the interference to licensed radio services -- and in particular the Amateur Radio Service -- inevitably caused by putting radio frequency energy on unshielded, unbalanced conductors. Manassas was touted as 'the most successful BPL deployment in the nation' when FCC Chairman Michael Powell visited the site with much fanfare -- and, the ARRL maintains, in violation of the FCC's own rules -- on the eve of the FCC's vote to adopt inadequate protection for licensed radio services against interference from BPL systems. The taxpayers and ratepayers of Manassas are not the only ones who benefit from the end of this ill-considered foray into BPL. Radio amateurs in the Manassas area have good reason to celebrate, for they have spent countless hours documenting the widespread interference caused by the system."

BPL technology uses the electricity grid in a city and the wiring in individual homes to provide direct "plug in" broadband access through electricity sockets, rather than over phone or cable TV lines. Because BPL wiring is physically large, is often overhead and extends across entire communities, these systems pose a significant interference potential to over-the-air radio services, including Amateur Radio."

The foregoing considered, if BPL is allowed to exist at all in the aftermath of these proceedings, the Commission should adopt the ARRL's more stringent regulations; however, even the Commission's watered down proposal is better than allowing BPL to continue as it now does.

Respectfully Submitted:



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SBE #26971 - Electronic Signature

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#### REFERENCE

ARRL News (2010). City of Manassas to End BPL Service. Newington, CT: [awextra@arrl.org](mailto:awextra@arrl.org); retrieved online April 8, 2010 at: <http://www.arrl.org/news/stories/2010/04/08/11427/?nc=1>