



Edison Electric
Institute

David K. Owens
Executive Vice President, Business Operations Group

May 24, 2013

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

Dear Ms. Dortch:

The Edison Electric Institute (“EEI”) is very concerned that the Federal Communications Commission (“Commission” or “FCC”) appears to be on the verge of conditionally authorizing Progeny LMS, LLC to commercially deploy its proposed 902-928 MHz band network despite numerous demonstrations that once deployed, Progeny’s system will cause harmful interference to critical electric industry Supervisory Control and Data Acquisition (“SCADA”) systems and devices.¹ EEI urges the Commission avoid taking such a damaging step.

As the Commission recognized in the *National Broadband Plan*, this nation’s electric grid is becoming more interconnected and complex. Electric system reliability has therefore become more even critical. The FCC likewise recognized that electric utility SCADA systems and devices are fundamental components of the electric grid and therefore play a critical role in ensuring reliability and “could prevent many blackouts by sensing problems and routing power around them.”² It would be highly inappropriate for the Commission to even conditionally authorize a system that is known to cause harmful interference to critical SCADA systems. Failures of SCADA systems due to harmful interference, particularly in emergencies, are not matters that can be resolved after the fact.³

In its letter dated May 17, 2013, Pacific Gas & Electric Company (“PG&E”), which is an EEI member, notified the Commission that interference from Progeny’s system had caused the utility’s SCADA devices to experience “an unusually high error rate.”⁴ Moreover, the malfunction of its SCADA systems caused by this interference “hinders PG&E’s ability to

¹ SCADA systems provide the real time control mechanisms for most of the power and utility facilities and play a significant role in critical infrastructure upon both electric utilities and their communications provider customers depend. See FCC Public Safety and Homeland Security Bureau Tech Topic 19: Communications Interdependencies. <http://transition.fcc.gov/pshs/techttopics/techttopics19.html>

² See *National Broadband Plan* at 249.

³ EEI is surprised that the FCC would embark on a course of action that would endanger the reliability of commercial power when as recent as May 10, 2013 it recognized the importance of commercial power to consumer migration to wireless and IP-based services, network resiliency and public safety. See Public Notice, *Technology Transitions Policy Task Force Seeks Comment on Potential Trials* at 8, DA 13-1016 (Released May 10, 2013).

⁴ See *PG&E Ex Parte Letter* at 1.

safely and reliably control its gas pipeline systems and electric power grid” in the San Francisco Bay area.⁵ EEI agrees with PG&E and the Part 15 Coalition⁶ that the Commission permitting devices causing harmful interference to operate in this band on the promise that after it has caused harm then such interference may be fixed violates the Commission’s rule and is bad public policy. This approach does not account for the harmful effects to utilities and electric consumers, due to the time it would take Progeny to make adjustments, and does not adequately deter similar incidences from occurring throughout a utility’s system.⁷ Moreover, it does not make sense to force utilities to replicate this process of investigation, testing, and mitigation on a case-by-case basis throughout the entire United States.

Accordingly, EEI joins with PG&E and the Utilities Telecom Council to urge the Commission, consistent with the recently passed resolution by the National Association of Regulatory Utility Commissioners (“NARUC”), not to authorize commercial deployment and operation of Progeny’s system until further testing can be conducted and it is shown that no unacceptable interference will be caused to unlicensed operations in the 902-928 MHz band, including those by utilities and other critical infrastructure industries.⁸

Respectfully submitted,

EDISON ELECTRIC INSTITUTE
/s/ David K. Owens

David K. Owens
Executive Vice President

Aryeh B. Fishman
Associate General Counsel, Regulatory Legal Affairs

Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
(202) 508-5000
afishman@eei.org

cc: Chairwoman Mignon L. Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai

⁵ *See Id.*

⁶ *See Letter, The Part 15 Coalition Ex Parte* dated May 15, 2013, filed in the above referenced docket.

⁷ For example, PG&E reports that resolution of the problem on its system caused by the Progeny system took nearly four months. *See PG&E Ex Parte Letter* at 1.

⁸ *NARUC Resolution to Promote Co-Existence in the 902-928 MHz Spectrum Band*, Sponsored by the Committee on Telecommunications, Adopted by the NARUC Board of Directors, February 6, 2013.