

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**
Approving in Part, Dissenting in Part

RE: Carrier Current Systems, including Broadband over Power Line Systems; ET Docket No. 03-104; Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems; ET Docket No. 04-37, Notice of Proposed Rule Making

Last month I was lucky enough to join Commissioner Adelstein at a demonstration of powerline broadband, and I've been watching the technology develop over the time I've been at the Commission with much interest. Today this technology is just being deployed. Tomorrow I hope it will substantially increase broadband competition. Today companies plan to deploy it in urban and suburban communities. But I hope power lines will someday, sooner rather than later, deliver broadband to rural America as well. So we are at the beginning, and we all have high hopes.

Because of this, I strongly support the technical inquiries and proposals we make today. We need to set the technological rules of the game early and transparently, so that the entrepreneurs in this industry can make investments with confidence. As regards interference, I believe we make another step in that direction today, so I'm happy to support the technical side of our item.

Today's item dodges some of the hardest questions, however. For the same reasons it is important to provide certainty for industry and consumers as concerns interference, it is important to provide certainty on the policy implications that we will surely face as powerline broadband expands. These questions are hard and uncomfortable ones. But we should never shy away from asking the hard questions. Avoiding questions today only makes it harder for a future Commission to move ahead once architectures are in place and investments are being made.

So I would tackle now issues such as CALEA, universal service, disabilities access, E911, pole attachments, competition protections, and, critically here, how to handle the potential for cross-subsidization between regulated power businesses and unregulated communications businesses. Is it right to allow electricity rate payers to pay higher bills every month to subsidize an electric company's foray into broadband?

Some will argue that we don't know enough about what this technology will look like yet. Or that we shouldn't regulate an infant technology out of existence. Or that we shouldn't saddle a new technology with long-standing policy objectives. I disagree. Just because these policy goals are long standing doesn't mean that they are out of date. Public safety, rural service, competition, and disabilities access never go out of date. These are the same things complicating our ability to move ahead on the VOIP issues that we discussed earlier today.

I don't yet know how these issues will play out for powerline broadband or what rules the Commission should adopt. But we should have used this NPRM to start thinking about it.

So I will vote to approve in part and to dissent in part.