

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband over Power Line Systems; ET Docket No. 04-37 Carrier Current Systems, including Broadband over Power Line Systems; ET Docket No. 03-104

This has been a challenging proceeding. We have before us an exciting new technology in Access Broadband over Power Line (Access BPL) that has the potential to be a new broadband pipe into the home, which is so critical to pushing the deployment of broadband services across the country. It could provide badly needed competition in the provision of broadband services, which will spur all providers to improve their offerings. But we also have an existing user base that includes public safety licensees, federal Government users, and amateur radio operators – important services that we need to protect from harmful interference.

I take seriously our obligation under Section 157 of the Communications Act that “[i]t shall be the policy of the United States to encourage the provision of new technologies and services to the public.” I am fully committed to that mission to promote new technologies, and to provide a framework for innovation so they can succeed. In order to do so in this case, though, we must ensure that sufficient protections are in place to limit interference concerns.

Recent Access BPL test deployments have been very useful in developing techniques to address interference issues. It is clear that some Access BPL systems can co-exist very well with existing licensees in the HF and VHF bands. In the limited cases of increased interference, the Access BPL operators were able to quickly resolve and address the interference problem. Other Access BPL systems, though, have not fared so well, and these systems should not be deployed on a commercial basis if they will continue to result in harmful interference.

We have put in place on Access BPL some special rules that are not normally required of Part 15 operators. However, I believe that these restrictions and requirements, such as adaptive frequency selection, remote shut down control, and a publicly available Access BPL database, are critical to providing an operational environment that safeguards existing licensees from harmful interference. I am also pleased to support our specific requirement for Access BPL providers to promptly respond to complaints of harmful interference from public safety licensees.

Access BPL can work side by side with existing licensees provided that Access BPL operators respond appropriately to harmful interference concerns. I encourage all affected parties to work together in a cooperative manner to address legitimate complaints of harmful interference in a timely manner.