

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
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

ORDER GRANTING EXTENSION OF TIME

Adopted: May 26, 2004

Released: May 27, 2004

By the Chief, Office of Engineering and Technology:

1. On February 23, 2004, the Commission released a Notice of Proposed Rulemaking (NPRM) in ET Docket Nos. 03-104 & 04-37, seeking comment on proposed rule changes to Part 15 of the Commission's rules to promote the deployment of Broadband over Power Line (BPL) systems.¹ The NPRM was published in the Federal Register on March 17, 2004, establishing a comment date of May 3, 2004, and reply comment date of June 1, 2004.² On April 30, the Commission released an *Order* denying extension of time for comment and reply comment periods in the above captioned proceeding.³ On May 21, 2004, the National Antenna Consortium (NAC) and The Amherst Alliance (NAC/Amherst) submitted a joint request for extension of time to file reply comments.⁴ For the reasons set forth below, we now extend the reply comments date to June 22, 2004. Comments should be filed pursuant to the instructions provided in the NPRM.

2. In its pleading, the NAC/Amherst predicates its renewed request for extension of time on the future release of the Phase 2 of the study of BPL systems by the National Telecommunications & Information Administration (NTIA), stating that the study is a two-part study, and that, although Phase 1

¹ *In the Matter of Carrier Current Systems, including Broadband over Power Line Systems and Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems*, ET Docket Nos. 03-104 & 04-37, Notice of Proposed Rulemaking, FCC 04-29 (rel. February 23, 2004).

² 69 Fed. Reg. 12612 *et seq.* (March 17, 2004).

³ *Order Denying Extension of Time*, DA 04-1175, released April 30, 2004.

⁴ Motion for Extension of the Reply Comments Deadline and for Re-Issuance of Certain Proposed Rule Provisions by The National Antenna Consortium (NAC) and The Amherst Alliance (NAC/Amherst), filed May 21, 2004 (hereinafter "Motion").

of the study was released on April 27, 2004,⁵ Phase 2 is still pending. Thus the pleading states that commenting parties are not being allowed adequate time for the preparation of filings to address the complete NTIA's study on BPL interference. Based on this, the NAC/Amherst requests that the reply comment deadline be extended to the latter of these two dates: (a) September 1, 2004; or (b) two months after the public release of Phase 2 of the NTIA's study of BPL interference. Further, the NAC/Amherst requests that the Commission re-issue, "in a form which is substantially more and complete in its details," those provisions of its proposed rule which concern interference prevention, interference mitigation and the enforcement of standards.⁶

3. We find that a brief extension of time to file comments in this proceeding is in the public interest. It is the policy of the Commission that extensions of time shall not be routinely granted.⁷ However, NTIA has indicated that it will submit comments and a Technical Appendix in this proceeding by May 28, 2004 and in light of the potential utility of the NTIA submission and our interest in receiving public comment on that study, an extension of time is warranted here. We believe that three weeks should provide ample time for review and analysis of this information, and accordingly grant the extension for that period. While NAC/Amherst has requested a longer time, it has presented no specific justification for such a longer time, nor is one evident to us.⁸ We note that Access BPL systems are already allowed to be deployed under our existing Part 15 rules for carrier current systems. We specifically note that because the Commission is fully cognizant of interference concerns, the NPRM proposes not only to retain the existing Part 15 limits for BPL systems, but to place additional requirements on BPL systems, over and above the Part 15 requirements. Thus, delaying this proceeding diminishes the Commission's ability to protect licensed users currently occupying this spectrum, and an extension beyond the three weeks granted herein would needlessly increase regulatory uncertainty about this technology's promise to deliver broadband services to American consumers and Internet and high-speed broadband access to rural and underserved areas.

4. We further observe that the NAC/Amherst did not suggest the manner in which our proposed rules were insufficiently described to provide an opportunity for effective consideration and comment and did not provide any compelling reason which would warrant a re-issue of our proposals on interference mitigation set forth in the *NPRM*.

⁵ See NTIA Report 04-413, *Potential Interference From Broadband Over Power Line (BPL) Systems To Federal Government Radiocommunications at 1.7-80 MHz, Phase 1 Study, Volume I*, National Telecommunications & Information Administration, filed April 27, 2004. The report can also be found at http://www.ntia.doc.gov/ntiahome/fccfilings/2004/bpl/FinalReportAdobe/NTIA_BPL_Report_04-413_Volume_I.pdf.

⁶ Motion at 6.

⁷ See 47 C.F.R. § 1.46(a).

⁸ This deadline should provide ample time for response to the NTIA submission, as long as it is filed reasonably close to the anticipated date of May 28.

5. Accordingly, IT IS ORDERED that, pursuant to section 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.31, 0.241, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.31, 0.241, and 1.46, the Motion of NAC/Amherst IS GRANTED, IN PART, and the deadline for filing reply comments in the above captioned proceeding IS EXTENDED to June 22, 2004.

FEDERAL COMMUNICATIONS COMMISSION

Edmond J. Thomas
Chief, Office of Engineering and Technology