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January 6, 2005

RECEIVED - FCC

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James Burtle, Chief
Experimental Licensing Division
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Federal Communication Commission
Bureau / Office

RE: Interference Complaint, Ambient Corporation
Broadband Over Power Line System at Briarcliff Manor, New York

Dear Mr. Burtle:

This is in response to the letter addressed to you and others at the FCC, dated December 17, 2004 from Christopher D. Imlay, on behalf of ARRL.

For the past several years, Ambient has been conducting testing at a site in Westchester, NY pursuant to FCC granted Part 5 Experimental authorizations, most recently pursuant to its experimental license, WD2XEQ. The purpose of this testing, as is evident from our prior filings, has been to develop proprietary technology to enable broadband access to high speed Internet services and utility applications via broadband over power line technologies.

Among many developments, we have previously reported significant improvements in "notching" technologies which show great promise as tools to eliminate interference on Amateur bands such as the 14 MHz band which Mr. Crosswell complained about. In our October 12 letter to you, we reported that Mr. Crosswell confirmed our conclusions about these improvements in an email which we received on October 8 in which he states "I have noticed reduction in noise on 14 MHz."

The December 17 ARRL letter claims that noise on 14 MHz has now reappeared "at high levels." After receipt of the ARRL letter, Ambient personnel conducted additional testing along North State Road in Briarcliff Manor but were unable to confirm the high signal levels which ARRL claimed to have received at this location.

Additionally, we reported in October that we had notched out our signal on additional bands, demonstrating significant advancements in our technology over the relatively short time period of our test

program. These additional bands, which continue to be notched, include the following Amateur Radio bands: 80, 40, 30, 15 and 10 meters: 3.5-4 MHz, 7-7.3 MHz, 10.1-10.15 MHz, 21-21.45 MHz and 27.917-29.7 MHz. Notably the December 17 ARRL letter does not claim that it detected interference in any of these bands.

We strongly object to ARRL's arguments claiming that signals from power line sources adjacent to our Access BPL system which ARRL has detected in its testing automatically must be considered "harmful interference" as defined in Section 15.5 of the FCC's rules. ARRL's letter does not contain any claim that harmful interference was experienced at any Amateur fixed location in Briarcliff Manor. Nor does ARRL claim that the routine mobile radio reception of any licensed Amateur has been interfered with. It appears the sole basis for its claims is its theoretical supposition that Amateur mobile operations might be interfered with under certain circumstances. As described above, Ambient personnel have not been able to confirm the high signal levels claimed by ARRL but in any event we object to this improper use of the FCC's complaint procedures to attempt to get the FCC to address theoretical interference issues which if they are to be considered at all should be considered in rulemaking proceedings.

In addition, Section 2.1 of the FCC's rules defines harmful interference as " ... Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with these [International Radio] Regulations. (RR)." Amateur mobile operations in the 14 MHz band are plainly not the types of radionavigation services or safety services which are intended to get blanket protection under this rule. Nor does ARRL's December 17 letter make any showing that routine Amateur mobile operations have been seriously degraded, obstructed or repeatedly interrupted in the Briarcliff Manor area.

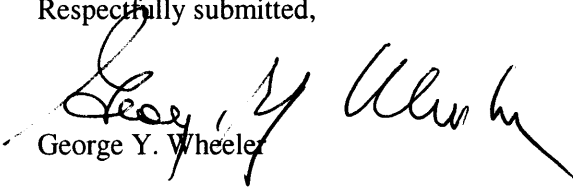
As the FCC notes in another context in its Access BPL Report and Order (Para. 66), it is reasonable for the parties involved in resolving possible harmful interference claims that might occur to mobile operations to take into account " ...the fact that a mobile transceiver can readily be re-positioned to provide some separation from the Access BPL operation." ARRL does not address this point in its December 17 letter which we believe is a relevant consideration.

Finally, we also object to the fact that ARRL is attempting, in its filings with respect to our experimental operations, to launch an improper collateral attack on the FCC's new Access BPL rules. The issues which it is attempting to raise with respect to our experimental operations plainly involve possible FCC interpretations of FCC rules and policy regarding interference mitigation and other technical requirements of general applicability to the Access BPL industry. If ARRL believes that the FCC's Access BPL Report and Order should be reconsidered, there are appropriate procedural avenues to follow, providing for full public participation, including filing a Petition for Reconsideration which is not yet due. It is unfair and a waste of the FCC's administrative resources to address the matters raised in ARRL's December 17 letter while the foregoing reconsideration proceedings remain open.

James Burtle
January 6, 2005
Page 3

We request that the FCC dismiss or deny ARRL's December 17 letter for all of the reasons presented here.

Respectfully submitted,



George Y. Wheeler

cc(by electronic mail):

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