

William E. Burton**Legislator, 9th District**

Chair, Committee on Public Safety & Security

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Committee Assignment
Budget & Appropriations
Family, Health & Human Services
Housing, Planning & Government Operations
Public Works, Transportation, Labor & Parks

July 13, 2007

Mr. **Kris** Monteith
Chief, The Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, SW, Room 7-C723
Washington, D.C. 20554

RR RE: **AMBIENT CORPORATION BROADBAND OVER POWER LINE
SYSTEM AT BRIARCLIFF MANOR, NEW YORK; EXPERIMENTAL
AUTHORIZATION WD2XEQ, EXPERIMENTAL LICENSE FILE NO. 0118-
EX-~~PR~~-2005, EXPIRES AUGUST 1, 2007; ENFORCEMENT BUREAU FILE
NO. EB-06-SE-083.**

Dear Mr. Monteith:

I am writing in my capacity as Chairman of the Westchester County (New York) Board of Legislators' Committee on Public Safety and Security. I would like to share my concerns with the Commission about the Broadband over Power Line (BPL) system operating in the Westchester County Village of Briarcliff Manor and the interference it has caused to local amateur radio operators.

As a populous suburban county in a major metropolitan region, Westchester is fortunate in having highly trained and qualified amateur radio operators to assist our emergency communications services. The professionalism of these volunteer radio operators is evident in both their assistance with day to day Westchester County communications needs, as well as in their availability to be our communicators of last resort, "when all else fails." These volunteers also assist at all levels of local government in Westchester and also provide service to such non-governmental organizations as the American Red Cross. They serve both individually and as members of the Radio Amateur Civil Emergency Service, the Amateur Radio Emergency Service, the Westchester Emergency Communications Association, and of course the American Radio Relay League (ARRL).

I am therefore concerned that the BPL experiment now being conducted in Briarcliff Manor is showing substantial interference with the local amateur radio **frequencies**. Data brought to me and my committee's attention is very disturbing. I am seeking the follow-through of the FCC in its monitoring and regulation of this experimental technology to ensure that **harmful** interference is eliminated through strict enforcement of FCC rules regarding BPL.

Data provided by amateur radio operators in Westchester County appears to show that the interference issue regarding BPL is well-known to several federal departments concerned with emergency preparedness. For example, it is my understanding that the Department of Defense has weighed in before the New York State Public Service Commission on the potential that BPL has to cause serious interference with both wired and wireless communications systems.

I am also concerned about information brought to my attention that indicates that there is lax enforcement of FCC rules at the experimental BPL system operated by Ambient Corporation in Briarcliff Manor. Significant evidence presented to me and my committee indicates that Ambient, Consolidated Edison (the sponsor of the Ambient BPL experiment), and the FCC itself have been unresponsive to complaints of **harmful** interference to the Amateur Radio service for over the past three years.

Since March 31, 2004, Mr. Alan Crosswell, the Radio Officer appointed by the Westchester County Department of Emergency Services, has been making complaints to Ambient, Consolidated Edison, and the FCC concerning harmful interference to the Amateur Radio service caused by the Briarcliff Manor BPL experiment. The ARRL was brought in with its national laboratory manager, Ed Hare coming to Westchester for numerous tests in the numerous ARRL complaints before the Commission concerning **harmful** interference to amateur radio frequency bands.

I was gratified to learn of recent developments at the Briarcliff Manor BPL site in June on the eve of the expiration of the current experimental license. I am concerned, however, to have recently learned that Ambient may be planning to request a renewal of its experimental program without making vitally important improvements in its technology. I have also learned that, while certain offending equipment has only recently been removed after years of complaints, there is no assurance that Ambient may not "turn up the power" and again exceed emissions levels causing interference again after a license renewal.

At a meeting held by my committee on March 5, 2007, we met with representatives of Consolidated Edison and the New York State's Public Service Commission, about this issue. At that time the representative **from** Consolidated Edison agreed to work with the ARRL to resolve the communications interference problems. That cooperation has yet to take place.

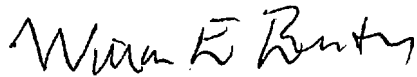
I am thus **requesting** that the FCC not renew the experimental Briarcliff Manor BPL license until my concerns about harmful interference are adequately addressed.

The Commission should require that Consolidated Edison and Ambient cooperate with the ARRL and its BPL technical experts forthwith. This would involve inviting the County's RACES Radio **Officer** (Alan Crosswell) **and/or** those he designates (for example, the AARL) to attend the measurement sessions that a BPL provider is to conduct. This would include both the current experimental system as well **as** any future or "second generation" technology.

Westchester County needs to be "in the process." By not renewing the Ambient experimental license until all these concerns are addressed, the FCC can make it clear that complaints concerning **harmful** interference are taken seriously. That is the best way for the FCC to promote a new technology while protecting public safety in Westchester County.

Thank you for your consideration of the above.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William E. Burton". The signature is fluid and cursive, with the first name "William" being the most prominent.

William E. Burton,
Chairman, Public Safety and Security Committee,
Westchester County Board of Legislators