



Federal Communications Commission
Washington, D.C. 20554

August 27, 2008

Christopher D. Imlay
14356 Cape May Road
Silver Spring, MD 20904

Dear Mr. Imlay

This is in response to your informal objection, on behalf of the National Association for Amateur Radio (ARRL) dated July 25, 2007, to Ambient Corporation's (Ambient) pending renewal application (file no.: 0132-EX-RR-2007) for experimental authorization for continued Broadband over Power Line (BPL) trials in Briarcliff Manor, New York. You state several reasons why ARRL believes the Commission should deny this renewal application.

You assert that the experimental authorization should not be renewed due to unresolved complaints of interference from Ambient's BPL operations. On this matter, we observe that the Commission's Enforcement Bureau recently concluded its investigation of Ambient Corporation's BPL operation in Briarcliff Manor, New York regarding whether it caused harmful interference to Amateur Radio stations. The Enforcement Bureau found that Ambient did violate the radiated emission limits of the Commission's rules, but that it has now replaced all of its first generation equipment with second generation equipment and that its measurement tests show compliance with the Commission's rules. (*Id.*) In addition, since the replacement of the older equipment, no interference complaints have been received by either Ambient or the Commission. Based on the finding of interference and the remedy implemented by Ambient, the Enforcement Bureau issued a sanction. (Letter from Enforcement Bureau, FCC, to Dr. Yehuda Cern, Ambient Corporation, dated November 13, 2007.) Accordingly, we consider this matter to be closed.

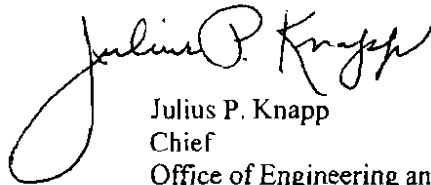
You also state that since its initial grant of experimental authority to Ambient, the Commission has adopted regulations for BPL operations, and you assert that Ambient has not provided sufficient justification to warrant the continuation of experimental operation rather than operation under the rules. You further contend that Ambient's renewal application should be denied because Section 5.71(b) of the Commission's rules (47 C.F.R. § 5.71(b)) specifies that an experimental license should not be granted for a period longer than that required to complete the experiment. In this regard, we note that experimental licenses are frequently used to develop new or improved versions of previously approved equipment, and as stated above, Ambient continues to experiment with aspects of their system. In a letter of August 6, 2007 and progress reports of February, 2008 and August, 2008, Ambient provides information regarding its continued experimentation with aspects of its system and equipment to enhance its operation and capabilities and, states that it continues to make hardware and software changes to its equipment, as it develops a new generation of products to enhance its BPL systems with additional applications such as current and voltage sensing, which comply with the Commission's rules. Ambient states that it has implemented Class I and Class II permissible changes to its equipment based on testing under this Briarcliff Manor experimental authorization. Thus, Ambient's operations clearly fall within the scope of service for the Experimental Radio Service.

You also object that the rules do not require Ambient's experimental operation to be listed in the BPL database. You express concern that this allows Ambient to hide their operations from the public and makes it difficult to resolve interference. We point out that although BPL operations performed under experimental licenses are not listed in the BPL database, they are publicly available on the Commission's web site through the Experimental Licensing System (ELS). In fact, the public can obtain more information through the ELS than is listed in the BPL database as the ELS contains records for all applications, communication and reports associated with the experimental license.

Finally, you question the grant of a nationwide license to Ambient. We acknowledge that such authority is not routinely granted. The scope of their ongoing tests described by Ambient includes developing, testing, and demonstrating in different geographical areas as well as on different utility system topologies. Additionally, Ambient continues to field requests for testing from power companies around the country. By providing nationwide authority, Ambient can perform this development and tests without the need to apply for individual licenses in each instance. However, to ensure that the public has access to information regarding the location of their various tests, we required as a condition of the license that Ambient notify the Commission within 14 days of operations in a new city to include a cumulative list of all active testing locations, and notification of when testing has been completed in a given city, which ensures that the Commission and the public is fully apprised of their operations.

In light of the foregoing, we are granting Ambient's request for renewal of experimental license, call sign WD2XEQ.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius P. Knapp". The signature is fluid and cursive, with a large loop at the beginning and a trailing flourish at the end.

Julius P. Knapp
Chief
Office of Engineering and Technology

cc: George Y. Wheeler, Esq.