



ARRL *The national association for*
AMATEUR RADIO
INTERNATIONAL SECRETARIAT OF THE INTERNATIONAL AMATEUR RADIO UNION

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February 23, 2006

Via U.S. Mail and Email

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**RE: Broadband Over Power Line Database;
Complaint Regarding Access Restrictions.**

Gentlemen:

On February 14, 2006, ARRL, the National Association for Amateur Radio, filed a complaint with your offices noting a plethora of inaccurate, incomplete or missing information in the database maintained by the United Telecom Council (UTC) of Access Broadband Over Power Line (BPL) systems throughout the United States. A different, and considerably more disturbing problem with the database was recently created by UTC. Radio amateurs, ARRL, and other amateur radio groups are being arbitrarily and

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unlawfully prevented from utilizing the database, which is supposed to be publicly accessible and, as the Commission has asserted, “open.” ARRL demands that the Commission instruct UTC to immediately make the database publicly accessible, or alternatively order that the database be turned over to Comsearch or another entity that can administer it in a manner that it is in fact open and available to the public. The circumstances, which establish that UTC is deliberately and in bad faith attempting to prevent access to the database, are as follows:

Section 15.615(a) of the Commission’s Rules requires that the database be “publicly available” and Section 15.615(b) requires that it be “publicly accessible.” The Report and Order in Docket 04-37, FCC 04-245, at paragraph 84, requires that the database be “publicly accessible.” In the Public Notice (DA 05-2701, released October 13, 2005) appointing UTC as the database administrator,¹ the Commission stated that “[t]he public may access the UTC BPL database via the Internet at <http://www.bpldatabase.org>. This access is open and requires no login information.”

ARRL has previously corresponded² with the former Acting Chief, Office of Engineering and Technology, concerning defects with the format of the UTC database, which permits searches only by zip code, one zip code at a time. ARRL continues to urge that the database format, permitting only limited searches, violates Section 15.615 of the Commission’s Rules and renders the advance notification process for Access BPL systems completely meaningless. However, the situation is now worse than that.

ARRL has conducted searches of the UTC database from time to time, to determine the accuracy and completeness of the database. However, on February 14, 2006, when ARRL’s Executive Vice President attempted to look up the 10510 zip code in the database with reference to a particular BPL system, he received the following message:

ERROR

The system has determined that this line of searching constitutes [sic] unauthorized use of the database. Cease operations immediately.

There was no unauthorized use of the database. The same message was received when a member of the ARRL staff attempted to look up only two zip codes, using an e-mail address incorporating the “arrl.org” domain name. It was apparent thereafter that anyone using an “arrl.org” domain name was being unilaterally shut out of the database by UTC for an indeterminate amount of time.

¹ Comsearch, an independent third party entity skilled, and principally engaged in database administration, had also stated a desire to become the BPL database administrator, but the Access BPL companies, for obvious reasons, preferred a BPL advocate instead.

² See, correspondence addressed to Bruce Franca, Acting Chief, OET, dated October 14, 2005 and November 30, 2005; and Mr. Franca’s responses dated November 22, 2005 and January 13, 2006. As of today, UTC still has not taken the corrective action ordered in Mr. Franca’s letter of January 13, 2006.

That this is not an isolated incident is obvious from the experience of Mr. Gary O. Zabriskie, the Secretary of the Dixie Amateur Radio Club, an Amateur Radio club in southwestern Utah. He attempted on February 15, 2006 to access the BPL database in order to search all of the zip codes in the area of the membership of the club, in order to provide a report to the club's members that confirms the existence or absence of any BPL tests or implementations in the area. This would enable the club's licensed Amateur Radio operators to determine whether or not interference they might experience, either from fixed Amateur stations or while operating mobile, could be coming from a BPL system. Upon entering a third zip code, having searched two, Mr. Zabriskie encountered a long pause, and then the same "error" message (which in fact is not an error message at all, but an access denied message) listed above.

The front page of the UTC BPL database declares that individuals are allowed "a limited number" of searches each month. It states that "individuals are advised not to conduct random searches of the database, or their access to the database may be further restricted."

On February 22, 2006, a member of the ARRL's laboratory staff conducted a series of searches of zip codes to determine whether any corrections had been made to any of the inaccurate or incomplete entries previously noted by ARRL. Upon his seventh zip code search, he received the following message:

ERROR.

Your search limit has been exceeded, though you may try again later. If you feel you have received this message in error, please email admin@utc.org with a description of the problem...

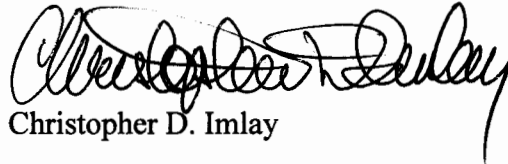
The limits placed unilaterally and apparently variably on searches of the database are each and all improper. Should UTC attempt to argue that limits are necessary in order to insure that everyone can access the database, that argument would not be well-taken. Modern servers can handle 50 simultaneous connections and many hundreds of thousands of "hits" daily. If the UTC database is not operated at standard capacity, a company with the ability to properly maintain the database should be substituted.

There is nothing in any Commission document that authorizes UTC to limit access to the database whatsoever. Worse, UTC has decided to limit public access arbitrarily, by IP address or by domain name, and apparently as few as three zip code searches triggers the cutoff mechanism. There is no technical reason for limiting the search function. A radio amateur taking a trip should be permitted to search as many zip codes as he or she wishes in order to determine whether or not interference might be expected in the areas through which that licensee wishes to pass, or at a destination location. A licensee such as Mr. Zabriskie, who lives in a rural area with numerous zip codes in the immediate vicinity of his primary residence should be able to ascertain whether or not there are any operating or proposed BPL deployments.

Quite simply, UTC's "management" of this database has in a very short time proven a shambles. The Commission has taken no action in response to any BPL interference complaints, but UTC's restricting access to the database is directly and overtly contrary to the specific language of both the *Report and Order* and Section 15.615 of the Commission's Rules. The design of the database and the restricted access is clearly intended to frustrate the Commission's purpose in establishing the database in the first place, and to inhibit complaints of interference to licensed radio services from Access BPL systems. The foregoing justifies the Commission's rescission of UTC's appointment as the database administrator immediately. If that is not done, then UTC must at least be ordered to cease its arbitrary limits on access to the database without delay.

Please, upon receipt of this correspondence, inform the undersigned when we might expect a Commission response to this complaint. Kindly address all communications on this subject to the undersigned counsel.

Yours very truly,

A handwritten signature in black ink, appearing to read "Christopher D. Imlay", written in a cursive style.

Christopher D. Imlay

cc: William R. Moroney, UTC
(via e-mail and U.S. Mail)