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Mr. Bruce A. Franca, Deputy Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th St. SW
Washington DC 20554

Dear Mr. Franca:

Thank you for providing a copy of your letter of today's date to Thomas A. Brown. We appreciate the Commission's efforts to address the harmful interference, reported to you nearly three months ago, arising from the Progress Energy trials in Southern Wake County, North Carolina.

We are encouraged to note your acknowledgment that the FCC Part 15 limits in and of themselves are not sufficient to protect radiocommunication services from harmful interference. However, we must also note that the 24-dB reduction mentioned in your letter would not be sufficient to eliminate harmful interference in many cases, and indeed has not been sufficient in the present case as will be seen below. The operator of a Part 15 device must eliminate all harmful interference, and therefore in some cases must achieve more – in certain cases, considerably more – than a 24-dB reduction in order to be in compliance.

It is not at all clear that the tests and measurements taken by the FCC during the period June 28 to July 2 established the absence of harmful interference to licensed stations. We would appreciate your making the test report that formed the basis for the conclusions set out in your brief letter available to the general public. In any event the ARRL requests a copy for technical review and comment, as well as a description and timing of the specific steps taken by Progress Energy between April 27 and June 28 to address the interference complaints.

From consulting with the amateurs who have been and continue to be receiving harmful interference from the Progress Energy trials, we find that while the interference has been reduced (but not eliminated) in some parts of the amateur bands it continues unabated in others. Specifically, on July 17, 2004 and again today, at the Holland Church Road site the BPL signal was at full strength and causing harmful interference in the band 14.290-14.350 MHz. This frequency range is used by a number of amateur networks associated with emergency and disaster communications and is important to mobile as well as to fixed station operators. Harmful interference was also present in the band 21.000-21.100 MHz. The frequencies of 15.000 and 20.000 MHz used by the standard time and frequency stations WWV and WWVH were obliterated, as were several international broadcasting bands. Even in the notched bands, the interference was still evident on ordinary amateur equipment. Therefore, your earlier

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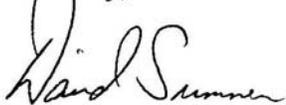
measurements and observations notwithstanding, it is clear that as of today the Holland Church Road site is in violation of §15.5(b). No doubt you will be receiving additional reports from amateurs in the area until the interference is finally eliminated.

We also request clarification on certain aspects of the testing and measurements described, to wit:

1. In the third paragraph you say that a "high quality amateur receiver" was used to "show little field strength or observable signal levels in the notched bands." Was the antenna used one that typically would be used in an amateur station? If a smaller or less efficient antenna were used, this would result in an underreporting of signal levels. Please identify the receiver and its owner, its measured sensitivity, and describe the antenna used.
2. In the course of their observations did FCC personnel note the extent of interference to other radiocommunication services commonly used by consumers, such as shortwave broadcasting and standard time and frequency stations?
3. In the fifth paragraph you describe measurements and observations taken at two fixed amateur locations. Were observations made using the complainants' equipment and antennas to confirm the absence of interference to their stations? If not, we respectfully submit that no conclusions can be drawn as to the interference condition in these locations. Antennas used for standard measurement have far less gain than even a modest amateur antenna.
4. Your letter also notes that measurements and observations could not be made at a third site "due to a GPS mapping error and subsequent time constraints." On what basis have you concluded that there is no harmful interference to the station at this location?
5. We assume that in the normal course of your extensive investigation over a five-day period, the complainants were given the opportunity to demonstrate to FCC personnel the interference they were encountering at their licensed stations. What were the results of those demonstrations? Did the complainants confirm that the interference that gave rise to their complaints had been eliminated?

Until these points can be clarified, we trust that the Commission will not permit its conclusions to be erroneously represented as having given the Progress Energy trials a "clean bill of health." As noted above, as of today the harmful interference is far from resolved.

Sincerely,



David Sumner
Chief Executive Officer

cc: Thomas A. Brown, N4TAB
George Dillon, FCC/EB
Riley Hollingsworth, FCC/EB
Len Anthony, Progress Energy Corporation
Matt Oja, Progress Energy Corporation
Bill Godwin, Progress Energy Corporation
Chris Imlay, General Counsel, ARRL
Jim Haynie, President, ARRL