



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Spectrum Enforcement Division
445 12th Street, S.W.
Washington D.C. 20554

June 16, 2006

James N. Horwood, Esq.
Attorney for the City of Manassas
Spiegel & McDiarmid
1333 New Hampshire Avenue, N.W.
Washington, DC 20036

Mr. Walter P. Adams
Vice President, New Technology
COMTek
14151 Newbrook Drive, Suite 400
Chantilly VA 20151

Via Certified Mail
Return Receipt Requested

Dear Mr. Horwood and Mr. Adams:

The Commission has received complaints from Mr. George V. Tarnovsky (Call Sign K4GVT), Mr. Donald Blasdell (Call Sign W4HJL), Mr. William South (Call Sign N30H), and Mr. Arthur Whittum (Call Sign W1CRO) (collectively, the "Complainants"), alleging harmful interference caused by your Broadband over Power Line ("BPL") operation to their mobile licensed amateur radio transmissions in the Manassas, Virginia area. Copies of those complaints are enclosed. By this letter, you are directed to examine these allegations, and take appropriate remedial steps to eliminate any instances of harmful interference. As set forth below, you are directed to submit a report to the Commission within 30 days of the date of this letter outlining your efforts to investigate and resolve each of these complaints.¹

System Compliance. Access BPL systems are required to meet the pertinent radiated emissions requirements specified in Section 15.611(b) of the Commission's Rules (47 C.F.R. §15.611(b)). Accordingly, in order to demonstrate compliance with 47 C.F.R. §15.611(b), we direct the City of Manassas/COMTek to make measurements at

¹ Under separate cover, we are providing further direction regarding the complaint filed by Mr. Dwight Agnew (Call Sign AI4II).

the locations described in each of the complaints, during the hours of peak usage of the system by BPL customers. Those measurements must be made in accordance with the guidelines of Section 15.613 of the Commission's Rules (47 C.F.R. §15.613).² Documentation of these measurements must be submitted to the Commission. If the measurements reveal any portion of the system to be non-compliant with the pertinent Commission requirements, it must be noted. In this event, you are directed to take immediate steps to eliminate all excessive emissions. Upon completion of any remedial actions, you must conduct additional measurements to demonstrate compliance with the Commission's emission requirements. Within 30 days of the date of this letter, you are directed to submit a report on the steps you have taken, and the additional steps necessary, to remain in compliance with the applicable FCC rules.

Interference Complaint. Section 15.5(b) of the Commission's Rules (47 C.F.R. §15.5(b)) prohibits access BPL providers from causing harmful interference.³ The Commission has stated that at frequencies below 30 MHz, reducing emissions to 20 dB below the Part 15 limits generally will be considered to be sufficient to resolve instances of interference to mobile operations.⁴ Accordingly, you are directed to take actions intended to resolve the complainants' specific claims of harmful interference. If you are not able to resolve the specific claims, you are directed to reduce the emissions level in the area(s) described in the complaints on the pertinent frequencies to at least 20 dB below the Part 15 limit.⁵ You must report to the Commission on steps taken to investigate and resolve the interference allegations raised by the complainants within 30 days of the date of this letter.

Response Required. As noted above, your report of system compliance and your actions taken to address the alleged harmful interference must be submitted within thirty days of the date of this letter. Correspondence concerning the complaints should be sent by first class mail to: Katherine Power, Esq., Spectrum Enforcement Division, Enforcement Bureau, Room 7B-555, Federal Communications Commission, Washington

² See *Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems ("BPL Report and Order")*, 19 FCC Rcd 21265, 21339, Appendix C (2004).

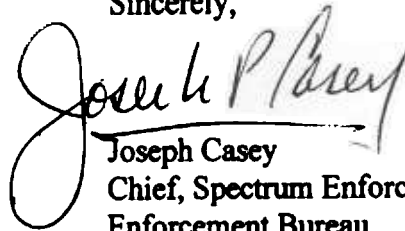
³ For these purposes, the Commission defines "harmful interference" as "[a]ny emission, radiation or induction that endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunications service operating in accordance with this chapter." See 47 C.F.R. §15.3(m).

⁴ See *BPL Report and Order* at 21294.

⁵ See 47 C.F.R. §15.611(c)(1).

DC 20554. The City of Manassas and COMTek shall serve Complainants with copies of any Commission filings made in response to this letter.

Sincerely,

A handwritten signature in black ink that reads "Joseph Casey". The signature is written in a cursive style with a large, looping initial "J".

Joseph Casey
Chief, Spectrum Enforcement Division
Enforcement Bureau

Enclosures

cc:

Mr. Donald Blasdell
9727 Loudon Avenue
Manassas VA 20109

Mr. George V. Tarnovsky
8314 Morning Side Drive
Manassas VA 20012

Mr. William South
6074 River Forest Drive
Manassas VA 20112-3042

Mr. Dwight Agnew
9335 King George Drive
Manassas, VA 20109

Mr. Jack B. Cochran
11053 Camfield Court, # 002
Manassas VA 20109

Mr. Arthur Whittum
P.O. Box 1794
Manassas VA 20108