

EXHIBIT D

ARRL PETITION FOR RECONSIDERATION

FCC INACTION ON FILED HARMFUL INTERFERENCE COMPLAINTS FROM BPL TEST SITES

In Raleigh, North Carolina, complaints from radio amateurs were filed with the Commission as early as March of 2004. It was not until June of 2004 that an acknowledgement of the receipt of the complaints was given by OET staff. ARRL commissioned an engineering firm to conduct measurements in the area, which were completed in June of 2004. By late July, 2004, the Commission had apparently evaluated the site and asserted in response to one of the Amateurs who complained on July 22, 2004 that notching is generally successful and that the Progress Energy trial was in compliance with Commission Rules. ARRL wrote to OET that same day, questioning the methodologies used in the Commission's investigation of the complaints. No response to that communication has ever been received by ARRL, and the interference continued until after September, 2004, until the system was shut down by Progress Energy, without any Commission adjudication.

In Cedar Rapids, Iowa, severe interference precluding Amateur Radio communications on numerous HF bands was suffered by a local resident for many months in early 2004. Finally, formal complaints were filed in May and June, 2004, when the radio amateur, himself an engineer, exhausted the ability of Alliant Energy to resolve the interference. Finally, the system was shut down by the operator, without any Commission adjudication of the complaint.

In Briarcliff Manor, NY, complaints were filed by a local radio amateur concerning the operation of Ambient Energy concerning the STA operation of a BPL system. Notching efforts were repeatedly attempted by Ambient, which resolved some interference on some amateur bands, only to have interference appear on other bands. This system is still operating, and interference has occurred periodically from March of 2004 through January of 2005. ARRL complaints premised on repeated visits by ARRL technical staff were filed October 12, 2004 and December 17, 2004 with the Enforcement Bureau and the Office of Engineering and Technology. Neither has been adjudicated, and no response has been received, other than an acknowledgement of receipt of one of the ARRL complaints. This system continues to operate without restriction.

In Cottonwood, AZ, complaints of interference and high radiated emission levels were filed in June of 2004 by a local Amateur Radio club. ARRL staff visited the site and took measurements, and a complaint of interference was filed by ARRL August 17, 2004. Electric Broadband, the BPL operator, responded in September, 2004 and additional measurement data was submitted by the local Amateur Radio club. ARRL responded to the Electric Broadband response, including additional measurement data and technical analysis. At the end of September, 2004, OET acknowledged the complaint. In October,

2004 ARRL objected to the Six Month Progress Report filed by Electric Broadband. Additional complaints by local Amateurs were filed in December of 2004, and a substitute BPL operator, MTI, asserted in January of 2005 that there is no harmful interference. No action has been taken by the Commission in this case.

In Cape Girardeau, Missouri and Lee's Summit, Missouri, ARRL's consulting engineering firm conducted measurements of BPL trial systems. ARRL filed complaints regarding these systems on September 8, 2004. No response from the BPL operator, and no response from the Commission (other than an acknowledgement of receipt of the complaints), has been received.

The Commission's rather notable inaction in these cases, and the severity of the interference, despite, in some cases, efforts by the BPL operator to fix the problems, reveals what can be expected in connection with BPL complaints going forward. It points up the critical importance of establishing rules which preclude interference in the first place, rather than trying to resolve interference after the fact. With Part 15 devices and systems, interference resolution is a losing proposition.