

VI. TELECOMMUNICATIONS RESOLUTIONS

TC-2 Resolution Concerning Broadband Over Power Lines

WHEREAS, Broadband Over Power Lines (BPL) is a credible developing technology capable of delivering high-speed information services over existing electric distribution infrastructure, improving electric distribution system efficiency and reliability, and thus potentially serving as a competitive alternative to existing forms of broadband access based on telephone, cable, satellite and wireless facilities; *and*

WHEREAS, A number of trials as well as full-scale commercial deployments of BPL are underway (e.g., Texas; Manassas, Virginia; New York, NY; San Diego, California) to validate the technical and commercial viability of the technology and have attained varying degrees of market success to date; *and*

WHEREAS, The BPL platform is attracting private capital, indicating confidence in the feasibility of the technology and its potential as a business model; *and*

WHEREAS, Both federal and State regulators responded favorably to BPL's emerging promise by adopting stances that are broadly supportive, as demonstrated by the National Association of Regulatory Utility Commissioners' (NARUC) formation of a Task Force in December 2003 and the issuance of a joint statement by the Chairmen of the Federal Communications Commission (FCC) and Federal Energy Regulatory Commission on October 14, 2004; *and*

WHEREAS, the NARUC BPL Task Force has since monitored BPL developments and conducted a comprehensive investigation of BPL's technological capabilities, utility applications, and regulatory challenges, *and*

WHEREAS, The NARUC BPL Task Force's efforts culminated in the issuance of two white papers (coincident with the NARUC Winter Meetings in February 2005 and 2006), which suggested a light-handed approach to regulation to encourage BPL deployments without favoring any one broadband technology over another, *and*

WHEREAS, The NARUC BPL Task Force projected measured optimism that BPL would fulfill its early promise, both as a form of competitive broadband access, particularly for areas that otherwise lack other options, and as a means of improving electric utility reliability and distribution grid intelligence, *and*

WHEREAS, New York, California, and Texas are prominent among the several States that have taken the lead in promulgating regulatory frameworks that could enable BPL to develop and flourish on terms that are competitively neutral and fair to utility ratepayers, *and*

WHEREAS, The U.S. Department of Defense and other Federal Executive Agencies, the National Association for Amateur Radio and other stakeholders have expressed concerns regarding conducted and radiated interference; *and*

WHEREAS, Next generation technologies being deployed are designed to improve efficiency and address radio interference; *and*

WHEREAS, The FCC recognized the promise of BPL and has adopted new rules to protect against harmful interference and has taken responsibility for enforcing those rules (Report and Order, released October 28, 2004; Memorandum Opinion and Order, released August 7, 2006, Docket Nos. ET 03-104 and ET 04-37); *and*

WHEREAS, The FCC has primary jurisdiction over radiofrequency spectrum issues, but States have jurisdiction over other regulatory issues that may affect the feasibility of, and incentives for, BPL deployment (e.g., affiliate transactions, cost allocation); *now therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners, convened in its November 2006 Annual Convention in Miami, Florida, encourages States to adopt competitively neutral policies and rules that facilitate deployment of BPL, provide assurances for protecting the electric distribution system and interconnections, ensure appropriate protection of ratepayers' economic interests, and avoid harmful radio interference; *and be it further*

RESOLVED, That NARUC is committed to working with the FCC, the public safety community, and other stakeholders to promote standards and operational improvements that address safety and interference issues; *and be it further*

RESOLVED, That NARUC encourages the electric utility industry to consider the potential benefits of offering BPL services and to explore ways to use the technology to improve electric distribution operations and to promote alternative consumer communications services.

Sponsored by the Committee on Telecommunications

Recommended by the NARUC Board of Directors November 14, 2006

Adopted by the Committee of the Whole November 15, 2006