



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

November 13, 2007

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dr. Yehuda Cern
Ambient Corporation
79 Chapel Street
Newton, MA 02458

Re: File No. EB-06-SE-083

Dear Dr. Cern:

This Letter concludes the Enforcement Bureau's investigation into whether Ambient Corporation's ("Ambient") broadband over power line ("BPL") operation in Briarcliff Manor, New York, has caused harmful interference to Amateur Radio stations.¹ We find that Ambient's BPL operation has violated the radiated emission limits of Section 15.109 of the Commission's Rules² and the terms of its experimental license, call sign WD2XEQ, and we hereby admonish Ambient.

Access BPL systems are generally required to meet the pertinent radiated emissions requirements specified in Section 15.611(b) of the Commission's Rules.³ However, Ambient's facility, operating under an experimental license, is subject to the operating conditions contained on its license.⁴ Condition 4 of its license requires that Ambient file a progress report six months from the date of grant. Additionally, Condition 5 provides that the progress report "... should include, but is not limited to, a description of measurements and results demonstrating compliance ..." with the radiated emission limits of Section 15.109.

¹ See Letter dated March 29, 2006, from Christopher Imlay, General Counsel, ARRL, to Joseph Casey, Bruce Franca, and James Burtle. See also Letter dated January 5, 2006, from Christopher Imlay to Joseph Casey, Bruce Franca, and Jim Burtle; Letter dated February 14, 2006, from George Y. Wheeler, Counsel for Ambient Corporation, to James Burtle; Letter dated May 31, 2007, from Christopher Imlay to Kathryn Berthot, Julius Knapp, and James Burtle.

² 47 C.F.R. § 15.109.

³ 47 C.F.R. § 15.611.

⁴ See File No. 0118-EX-RR-2005 (effective August 1, 2005).

On February 5, 2007, Ambient submitted its six month progress report. The report indicated that Ambient “[h]as notched out its signals on Amateur Radio bands, demonstrating significant advancements”⁵ The report did not, however, address Condition 5 of the experimental authorization.

By letters dated March 16, 2007, and May 21, 2007, the Spectrum Enforcement Division (“Division”) of the Enforcement Bureau directed Ambient to provide the results of any measurements made prior to the filing of its February 5, 2007 report to demonstrate compliance with the radiated emission limits of Section 15.109.⁶ The Division also directed Ambient to submit a follow-up report confirming compliance once it had completed any necessary system modifications.

Ambient filed its response to the March and May letters on June 12, 2007.⁷ Its response indicated that Ambient had made compliance measurements as required by the Division. Ambient found that an older, first generation BPL unit in its network was malfunctioning, causing the device to exceed the applicable Section 15.109 emission limits. Ambient stated that it immediately took the equipment out of service and indicated that it would soon replace the remaining first generation equipment in its network with newer equipment.

In its most recent correspondence to the Division, Ambient indicated that it has replaced its remaining first generation BPL equipment with second generation equipment.⁸ Furthermore, Ambient has completed and submitted results of *in situ* tests demonstrating compliance with FCC regulations. Subsequent to the replacement of the older equipment, neither Ambient nor the Division has received complaints indicating continuing interference to Amateur operations from Ambient’s BPL system.

Based on the information before us, we find that Ambient’s BPL operation in Briarcliff Manor, New York, has operated in violation of Section 15.109 of the Commission’s Rules. Accordingly, we admonish Ambient for violating Section 15.109 of the Commission’s Rules and the terms of its experimental license, call sign WD2XEQ. We caution Ambient that any violations of future license provisions may result in additional sanctions.⁹

⁵ See progress report at 2.

⁶ See Letters dated March 16, 2007, and May 21, 2007, from Kathryn S. Berthot, Chief, Spectrum Enforcement Bureau, to Dr. Yehuda Cern, Ambient Corporation.

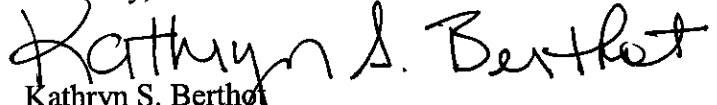
⁷ See Letter dated June 12, 2007 from George Y. Wheeler, Counsel for Ambient Corporation, to Neal McNeil, Spectrum Enforcement Division.

⁸ See Letter dated August 21, 2007, from Aron Viner, Director of Compliance and Standardization, Ambient Corporation, to Kathryn Berthot and Neal McNeil.

⁹ Ambient’s current experimental license expired on August 1, 2007. It has filed an application for renewal which is currently under review by the Office of Engineering and Technology (“OET”).⁹ A determination

Please direct any questions regarding this matter to Neal McNeil at 202-418-2408.

Sincerely,


Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau

cc: Aron Viner
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with regard to Ambient's continued authority to operate will be made in by OET in conjunction with OET's review of Ambient's application to renew its experimental license.