

As per the RF Mesh Network we have grounds to have the utilities to stop using an RF Mesh Network.

This is from William Bathgate's testimony in the recent DTE rate Case 18225.

3. There are also a serious issue presented in the RF emitting mesh network used by

DTE. The use of the unlicensed spectrum of the 33cm frequency band (901 to 928 MHz) is a violation of my FCC privileges as an Amateur Radio operator. Amateur operations is a primary user of this spectrum and cannot be interfered with by unlicensed user equipment. Such as the AMI meter. I run satellite communications and Fast Scan Amateur TV (ATV) on this band. The FCC license used by the AMI is for only one meter, not thousands. Today because of all the AMI meters my ATV transmissions are frequently interrupted suffering from disconnections and poor signal reception. The bandwidth of the ATV signal in use in my station is 6 MHz, the other receiving station also uses 6 MHz so together we use 12 MHz of the 27 MHz spectrum. The AMI meters have caused so much interference that it is making my ATV operation nearly impossible.

In addition my communications with government satellites in this section of the frequency band is severely impacted. I frequently have dropped message streams

With all the AMI meters in use my communications is severely affected. This is a direct violation of FCC rules as specified by law. DTE never did the due diligence about the deployment of AMI meters, they never understood what they were doing with complete saturation of the 33 cm band. It is not a first come first served frequency allocation. It is not the Amateur operator that needs to halt operations it is the unlicensed stations that must not interfere with the licensed operators. With almost a 1,000 AMI meters transmitters near my home these are interfering with my operations and it against the federal law. Please see the following laws that apply. I can make a complaint to the FCC and cause DTE to cease operations of the AMI mesh network.

The Communications Act of 1934

- Section 301 - requires persons operating or using radio transmitters to be licensed or authorized under the Commission's rules (47 U.S.C. § 301)
- Section 302(b) - prohibits the manufacture, importation, marketing, sale or operation of these devices within the United States (47 U.S.C. § 302a(b))

- Section 333 - prohibits willful or malicious interference with the radio communications of any station licensed or authorized under the Act or operated by the U.S. Government (47 U.S.C. § 333)
- Section 503 - allows the FCC to impose forfeitures for willful or repeated violations of the Communications Act, the Commission's rules, regulations, or related orders, as well as for violations of the terms and conditions of any license, certificate, or other Commission authorization, among other things.
- Sections 510 - allows for seizure of unlawful equipment (47 U.S.C. § 510)

The Commission's Rules

- Section 2.803 - prohibits the manufacture, importation, marketing, sale or operation of these devices within the United States (47 C.F.R. § 2.803)
- Section 2.807 - provides for certain limited exceptions, such as the sale to U.S. government users (47 C.F.R. § 2.807)

The Criminal Code (Enforced by the Department of Justice)

- Title 18, Section 1362 - prohibits willful or malicious interference to US government communications; subjects the operator to possible fines, imprisonment, or both (18 U.S.C. § 1362)
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- Title 18, Section 1367(a) - prohibits intentional or malicious interference to satellite communications; subjects the operator to possible fines, imprisonment, or both (18 U.S.C. § 1367(a))

Prior to AMI meters I had no difficulties with communications for any other station on the 33cm band, now it is near impossible.