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## **DOE Requests Information on Smart Grid**

On March 16, 2010, the FCC released its staff report concerning development of a National Broadband Plan (“NBP”), which FCC Chairman Julius Genachowski described as “a 21<sup>st</sup> century roadmap to spur economic growth and investment, create jobs, educate our children, protect our citizens, and engage in our democracy.” Release of the NBP, however, proved a disappointment for many entities, including electric utilities, other critical infrastructure industry companies, and many within the Public Safety community as no new spectrum allocations were earmarked for their use despite their requests for exclusive broadband spectrum.

The NBP recommended that the U.S. Department of Energy (“DOE” or “Department”), together with the FCC, study the communications requirements of electric utilities. In response to the NBP recommendation, the DOE issued a Request for Information (“RFI”) on May 11, 2010, seeking comment to assist DOE in understanding the communications requirements of utilities, including, but not limited to, the requirements of the Smart Grid. These requirements include current and projected communications requirements, the types of communications capabilities that will be needed, and the capabilities the communications carriers think they can provide.

On July 12, 2010, the Telecommunications Subcommittee of the American Petroleum Institute (“API”), submitted comments in response to the RFI urging the DOE to press the FCC for an exclusive allocation of radio spectrum for wireless broadband applications in the oil and natural gas industry. API stressed that the Department’s report not be limited to a single industry segment but reflect the communications needs of the energy industry as a whole, including energy exploration, production, refining, transportation, as well as distribution.

Similar to the electric utility industry’s implementation of smart grid, oil and natural gas companies are in the midst of transitioning to next generation communications technology, reflected in the concept of “the digital oil field,” to increase environmental protection, promote safety of life and property, improve efficiency, and support disaster response efforts. The critical nature of energy communications dictates that security is a chief concern. The industry is expected to substantially upgrade communications hardware, software and services in the not-too-distant future. Without access to sufficient spectrum, this challenge will become a virtual impossibility.

API urged the Department to support the energy industry’s repeated requests to the FCC to address the unique communications needs of private broadband users, particularly with respect to the creation of an exclusive private wireless broadband allocation sufficient to satisfy the pressing requirements of the nation’s energy companies. The industry requires access to exclusive, licensed, broadband spectrum. API recommended up to 30 MHz of spectrum be made available to the energy industry to support currently required applications.

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