

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 28, 2009

Mr. Gary Palm
Operations Manager – Helena
Northwestern Energy
(address withheld)
Helena, MT 59604

Re: EB-09-GB-0027

Dear Mr. Palm:

The Federal Communications Commission contacted your company by letter dated March 30, 2009, indicating that it had received complaints of harmful radio interference possibly caused by power line equipment maintained by your company. The interference was reported by:

(Name withheld)
(Address withheld)
Helena, MT 59601
Tel: (number withheld)

On June 5, 2009, you responded to the Commission detailing Northwestern Energy's (NWE) efforts to resolve the matter and indicated that between 2003 and 2008, you repaired 215 poles and spent countless man hours in attempting to resolve (name withheld)'s interference matter. You further note that in late summer 2008 you executed a planned repair in (name withheld)'s area in the hope that it would reduce his noise level. In your letter, you explain that it was NWE's impression that the complained of intermittent 18dB over S9 was no longer detectable and that (name withheld)'s communication abilities were significantly improved. To support that contention, you note that (name withheld) was able to communicate with another licensed amateur in Germany. You did not, however, provide any details of recent attempts to resolve (name withheld)'s noise. Rather, you noted that "NWE concluded that its facilities were not adversely affecting the operator's ability to communicate."

Such a response is not acceptable. (Name withheld) reports that as of July 1, 2009, the noise remains at S9 levels and has not decreased at all. Contrary to your assertion, (name withheld)'s ability to communicate with Germany is not indicative of an improvement in the "noise" level, but is rather the result of his directional antenna. Should that antenna be turned in another direction, the noise is again prohibiting his use

of his amateur equipment. Quite often in preparing a response to these letters, a utility will indicate that they have spent countless hours attempting to locate and correct “noise” in and around the residence of the amateur, which is exactly what NWE is reporting herein. Unfortunately, those sources of “noise” are not the noise that is causing interference to the amateur. It is not the Commission’s intent that the utility should correct all sources of “noise” in and around the amateur’s residence; rather, it is our intent that you locate and eliminate the specific noise causing radio frequency interference to (name withheld). In order to correctly identify and then eliminate the source of (name withheld)’s specific radio interference, staff from NWE will need to visit (name withheld)’s residence and listen to the noise on his amateur equipment. Once your staff has heard (name withheld)’s specific “noise,” they will be better equipped to locate and correct the specific source of his radio interference.

To help you better understand your responsibilities under Commission rules, here are the most important rules relating to radio and television interference from incidental radiators:

47 CFR § 15.5: General conditions of operation.

(b) Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.

(c) The operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.

47 CFR § 15.13: Incidental radiators.

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

47 CFR § 15.15: General technical requirements.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of Part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems.

In order to avoid enforcement action on this matter, you have thirty (30) days from the date of receipt of this warning to respond to this office at the following address: 1270 Fairfield Road, Gettysburg, PA 17325. The response must contain a statement of when you visited (name withheld)'s residence and after that visit, the specific action(s) taken to identify and eliminate the source(s) of (name withheld)'s radio interference. If you have any questions about this matter, please contact me at 717-338-2577.

Sincerely,

Laura L. Smith
Special Counsel

Cc: Seattle Field Office
Western Regional Director