

**VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

July 13, 2009

Mr. Roger Duncan, CEO  
Austin Energy  
P.O Box 2267  
Austin, Texas 78783-2267

**Re: EB-09-GB-0001**

Dear Mr. Duncan:

On March 16, 2009, the Federal Communications Commission notified Austin Energy that it had received complaints from (name withheld) that equipment operated by your utility might be causing harmful radio interference to his amateur radio equipment. (Name withheld's) contact information is as follows:

(name withheld)  
(address withheld)  
Austin, TX 78757  
Tel: (number withheld)

The March 16, 2009, letter advised Austin Energy that the interference, if unresolved, could be a violation of Commission rules. For this reason, we encouraged Austin Energy to voluntarily resolve the matter without Commission intervention. The letter specifically stated, however, that if it became necessary for the Commission to facilitate a resolution, the Commission might investigate possible rule violations and address appropriate remedies, including monetary forfeitures.<sup>1</sup> On April 24, 2009, Austin Energy responded to the letter. In its response, Austin Energy indicated that it was taking (name withheld's) complaint seriously and would make a concerted effort to solve the issue. Austin Energy further noted that it hoped to have (name withheld's) interference problem resolved by the end of May. Austin Energy did not report back to the Commission as to the status of the interference matter at the end of May. Moreover, (name withheld) reports that there has been no reduction in the radio frequency interference.

In order to avoid enforcement action on this matter, you have thirty (30) days from the date of receipt of this letter to respond to this office at the following address: 1270 Fairfield Road, Gettysburg, PA 17325. The response must contain a statement of the specific action(s)

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<sup>1</sup> Fines normally range from \$7,500 to \$10,000.

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, Esq.  
Special Counsel  
Enforcement Bureau

cc: Dallas Field Office  
South Central Regional Director