

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 4, 2009

Mr. John J. Flinnigan, Jr.
Associate General Counsel
Duke Energy
PO Box 960
Cincinnati, OH 45201-0960

Re: EB-09-GB-0029

Mr. Flinnigan:

The Federal Communications Commission notified you by warning letter dated May 6, 2008, that it had continued to receive complaints of harmful radio interference possibly caused by power line equipment maintained by your company.¹ The interference was reported by:

(name withheld)
(address withheld)
Cincinnati, OH 45251-2645
Phone: (withheld)
Email: (withheld)

In that letter, you were advised that this problem, if unresolved, could be a violation of Commission rules and could possibly result in a monetary forfeiture. For this reason, we encouraged the parties involved to voluntarily resolve the matter without Commission intervention. The letter further stated, however, that should it become necessary for the Commission to facilitate a resolution, the Commission might investigate possible rule violations and address appropriate remedies, including monetary forfeitures.

By letter dated January 9, 2007, you had responded to the Commission's August 11, 2006, letter indicating that Duke was attempting to locate the sources of reported interference. You further stated that Duke would make concerted efforts to work with Mr. Swallow to find the possible sources of interference and would continue to do so going forward. The record further demonstrates that multiple contacts were made

¹ The Commission had previously notified you on August 11, 2006, of a complaint regarding possible interference caused by equipment operated by your company. Copies of both letter are enclosed for your convenience.

between 2006 and 2007 between Mr. Swallow and representatives of Duke Energy in an ongoing effort to find and resolve the problems.

During the latter part of 2007 and into 2008, the licensee continued to experience interference and continued to contact Duke Energy to correct the problems. The licensee worked closely with the line crews to locate the sources to try to resolve the matter. Mr. Swallow went so far as to go out and attempt to locate several instances of noise himself. He provided that information to Duke. I am providing you with his suspected sources of noise as a starting point. They are as follows:

- K19-32E
- K19-33E
- K19-83C
- K19-85C
- K19-86E
- K19-179C
- K19-252C
- K20-372E
- J19-148C

Given the fact this case has been ongoing for quite some time without resolution and Duke has had ample time to make the necessary repairs, you are directed to respond to the undersigned within 30 days of receipt of this letter detailing what steps you have taken to resolve the specific instances of interference listed above that are reported as being caused by Duke equipment.

Likewise, given the fact that these sources were discovered by the licensee, not the utility, and should not be considered comprehensive, you are further directed to provide to the undersigned within 60 days of receipt of this letter a written report as to what steps Duke Energy has undertaken to locate and identify additional sources of interference and what steps Duke Energy intends to take to correct Mr. Swallow's radio frequency interference. Should the remaining interference problems not be resolved within those 60 days, Duke Energy will be required to provide the undersigned with a status update every two (2) weeks going forward as to what progress, if any, has been made to resolve the matter.

If you have any questions about this matter, please contact me at 717-338-2577.

Sincerely,

Laura L. Smith
Special Counsel

Cc: Detroit Field Office
Northeast Regional Director