

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

July 27, 2009

Ms. Jody Noble, Esq.  
Duquesne Light Company  
Law Department  
411 Seventh Avenue  
Pittsburgh, PA 15219

**Re: EB-09-GB-0230**

Ms. Noble:

The Federal Communications Commission contacted your company by letter dated March 17, 2005, indicating that it had received complaints of harmful radio interference possibly caused by power line equipment maintained by your company.<sup>1</sup> The interference was reported by:

(name withheld)  
(address withheld)  
Allison Park, PA 15101

On April 26, 2005, you responded to the Commission detailing Duquesne Light Company's (DLC) efforts to resolve the matter and indicated that the most recent complaint was the result of changed conditions, not the continuation of an old problem. Further, in a letter dated June 2, 2005, you again communicated with the Commission explaining the efforts you had taken to repair three (3) lightning arrestors. During the latter half of 2005 and into 2006, the licensee continued to experience interference and continued to report these instances to DLC requesting that DLC correct the problems. In 2007, the licensee located a specific pole (#314184) as one source of noise and advised a Mr. Luther of DLC of this fact. Mr. Luther advised the licensee that he would submit a work order.

On March 17, 2008, DLC contacted (name withheld), indicated that it had swept the area where pole #314184 was located and discovered no noise. Rather, DLC indicated that the noise source was a neon light. Finally, DLC stated that it had spent significant amounts of time and money attempting to address (name withheld's) concerns and that DLC would require (name withheld) to pay for any additional efforts to locate and correct instances of noise. A copy of this letter is included for your convenience.

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<sup>1</sup> A copy of that letter is enclosed for your convenience.

Such a response is not acceptable. 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.

Given the fact this case has been ongoing for quite some time without resolution and DLC has had ample time to locate the instances of interference and make the necessary repairs, you are directed to respond to the undersigned within 60 days of receipt of this letter detailing what steps you have taken to resolve the remaining instances of interference that are reported as being caused by your equipment. Your response should be sent to: 1270 Fairfield Road, Gettysburg, PA 17325 and reference the listed case number.

Should the remaining interference problems not be resolved within those 60 days, DLC 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: Philadelphia Field Office  
Northeast Regional Director