

**VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

August 21, 2009

Mr. Grady E. Kidwell, President  
Fannin County Electric Cooperative, Inc.  
(address withheld)  
Bonham, TX 75418-0250

**Re: EB-09-GB-0240**

Dear Mr. Kidwell:

On February 22, 2006, the Federal Communications Commission notified Fannin County Electric Cooperative, Inc. (Fannin) 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)  
Windom, Texas 75492  
Tel: (number withheld)

The February 22, 2006 letter advised Fannin that the interference, if unresolved, could be a violation of Commission rules. For this reason, we encouraged Fannin 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 January 26, 2007, the Commission sent a second letter noting that while Fannin had made some efforts to make repairs, (name withheld) had reported that the radio interference problem had not been corrected. In July of 2007, Fannin contacted the Commission and indicated that they had made repairs and not received any further complaints from (name withheld).

We recognize that as of July of 2007, Fannin had believed the matter to be resolved. (Name withheld), however, has advised the Commission that the problem has returned and is seeking further assistance from Fannin in resolving this matter. The Commission prefers that those responsible for the proper operation of power lines assume their responsibilities fairly. This means that your utility company should again locate the source of this new interference caused by its equipment and make necessary corrections within a reasonable time.

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

We note that quite often in preparing a response to these letters, a utility will indicate that they have spent countless hours locating and correcting "noise" in and around the residence of the amateur. 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 Fannin 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.

In order to avoid enforcement action on this matter, you have sixty (60) 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, Esq.  
Special Counsel  
Enforcement Bureau

cc: Dallas Field Office  
South Central Regional Director