

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

July 6, 2011

Mr. Joseph Waltz  
Director of Energy Resources  
Department of Energy Resources  
520 E. 6<sup>th</sup> Street #A  
Front Royal, Virginia 22630-4006

Mr. Kent Farmer  
President/CEO  
Rappahannock Electric  
247 Industrial Court  
Fredericksburg, Virginia 22408

**Re: EB-11-GB-0033**

Mr. Waltz and Mr. Farmer:

The Federal Communications Commission has been in contact with representatives of your respective companies since July of 2010<sup>1</sup> to inform your company that the Commission had received complaints of harmful radio interference possibly caused by power line equipment maintained by one or both of your companies.<sup>2</sup> The interference was reported by:

(Name withheld)  
(Address withheld)  
(Address withheld)  
Phone: (number withheld)

Between July of 2010 and September of 2010, agents at the Commission's Columbia field office spoke with several representatives of Front Royal Electric (Missy, Tim, Mike and Mr. Jenkins) advising them that this problem, if unresolved, could be a violation of Commission rules and could possibly result in a monetary forfeiture. As a result of these conversations, Front Royal Electric made several repairs. The field agents also spoke with representatives of Rappahannock Electric (Mr. Rutherford and Mr. Potter). At that time, Mr. Potter indicated that there were several loose connections on the some of the poles indicating that they might be the source of the interference. Mr. Potter indicated that Rappahannock would get a truck out to tighten the connections.

In November and December of 2010 and again in April of 2011, agents from the Commission's Columbia field office conducted more field inspections. They again spoke with

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<sup>1</sup> Agents at the FCC's Columbia field office initially spoke with Mr. Jenkins of Front Royal Electric and Mr. Potter of Rappahannock Electric.

<sup>2</sup> While the complainant is not a customer of Rappahannock Electric, his residence is within a short distance of the demarcation line between Rappahannock's territory and that of Front Royal.

representatives of both Front Royal Electric and Rappahannock Electric. During the course of those field inspections, several sources of interference were located and the appropriate utility was contacted and advised of the poles needing repair. During the past several months, the licensee has continued to experience interference and continues to contact the two utilities in an effort to get the problem fixed. On May 30, 2011, a truck hit a pole on the main street heading into Front Royal resulting in a power outage for the area around the complainant's residence. During the time the power was out, the complainant used a hand-held Sony 201 battery powered amateur radio and checked all of the amateur bands for interference. The bands were completely free from interference during the entire time the power was out in his area.

The Commission has the responsibility to require that utility companies rectify any such problems within a reasonable time if the interference is caused by faulty power utility equipment. Under FCC rules, most power-line and related equipment is classified as an "incidental radiator." This term is used to describe equipment that does not intentionally generate any radio-frequency energy, but that may create such energy as an incidental part of its intended operation.

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

**Title 47, CFR Section 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.

**Title 47, CFR Section 15.13 Incidental radiators.**

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

**Title 47, CFR Section 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 (for example, see Sec. 15.105(b)).

The complainant has attempted unsuccessfully to work through your usual complaint resolution process going so far as to have FCC field agents come into his area on multiple occasions to help locate and resolve the problem. To date the interference still continues and

neither company has been able to adequately locate and resolve the interference. As a result, the matter has been referred to my office for resolution. The Commission prefers that those responsible for the proper operation of power lines assume their responsibilities fairly. This means that both of your companies should locate the source of any interference caused by your respective equipment and make necessary corrections within a reasonable time.

While the Commission has confidence that most utility companies are able to resolve these issues voluntarily, the Commission wants to make both of your offices aware that this unresolved problem may be a violation of FCC rules and could result in a monetary forfeiture for each occurrence. At this stage, the Commission encourages the parties to resolve this problem without further Commission intervention, but if necessary to facilitate resolution, the Commission may investigate possible rules violations and address appropriate remedies.

The American Radio Relay League, a national organization of Amateur Radio operators, may be able to offer help and guidance about radio interference that involves Amateur Radio operators.

American Radio Relay League  
Radio Frequency Interference Desk  
225 Main Street  
Newington, CT 06111  
860-594-0200  
Email: rfi@arrl.org

Please advise the complainant and this office what steps both of your companies are taking to correct this reported interference problem. The Commission expects that most cases can be resolved within 60 days of the time they are first reported to the utility company. If you are unable to resolve this matter by September 9, 2011, please advise this office about the nature of the problem, the steps you are taking to resolve it and the estimated time in which those steps can be accomplished.

If you have any questions about this matter, please contact me in writing at: 1270 Fairfield Road, Gettysburg, Pennsylvania 17325 or via phone at 717-338-2577. Thank you for your cooperation.

Sincerely,

Laura L. Smith  
Special Counsel

Cc: Columbia Field Office  
Northeast Regional Director