

VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED

August 17, 2009

Mr. Mel Coleman, CEO
North Arkansas Electric Cooperative, Inc.
(address withheld)
Salem, AR 72576

Re: EB-09-GB-0107

Dear Mr. Coleman:

On May 4, 2009, the Federal Communications Commission notified the North Arkansas Electric Cooperative (NAEC) that it had received complaints from Mr. (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)
Mountain Home, AR 72653
Tel: (number withheld)

The May 4, 2009 letter advised NAEC that the interference, if unresolved, could be a violation of Commission rules. For this reason, we encouraged NAEC 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.¹ On June 10, 2009, NAEC responded to the letter. In its response, NAEC indicated that it had investigated (name withheld)'s complaint. According to NAEC, several sources of "suspected" noise were located and fixed. NAEC further noted that acting on a "hunch" it visited a switch site locating south of (name withheld)'s home. NAEC "suspects" that one of the sources of noise to (name withheld)'s equipment is this switch yard, which owned by the Corp of Engineers and a location over which NAEC has no control. NAEC further indicated that it has exhausted all reasonable measures to find the noise using the information and tools at hand.

Acting on "suspected" sources of noise or "hunches" is not the correct methodology for locating noise sources. 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

¹ Fines normally range from \$7,500 to \$10,000.

of the amateur, which is exactly what NAEC is reporting herein. 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 NAEC 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 thirty (30) 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: New Orleans Field Office
South Central Regional Director