

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

September 30, 2009

Miguel C. Danielson, Esq.  
Danielson Legal  
(address withheld)  
Cambridge, Massachusetts 02138

**Re: EB-09-GB-0192**

Dear Mr. Danielson:

On June 22, 2009, the Federal Communications Commission notified (name withheld) that it had received complaints from (name withheld) that equipment operated by (name withheld)'s electric fence might be causing harmful radio interference to his amateur radio equipment. The complainant in this matter is:

(Name withheld)  
(Address withheld)  
Willow, New York 12495

The Commission has the responsibility to require that such problems be rectified within a reasonable time if the interference is caused by faulty consumer equipment. Under Commission rules, certain types of equipment are classified as "unintentional emitters." These devices generate radio frequency energy but do not intentionally radiate it. Examples include computers, radio receivers and television sets. Other types of devices are classified as "incidental emitters." These devices do not intentionally generate any radio-frequency energy, but that may create such energy as an incidental part of their intended operation. Common examples include aquarium heaters, certain portable telephones, alarm control panels, fluorescent light ballasts, doorbell control circuits and so forth. Some unintentional emitters are imported and do not comply with Commission certification standards, and thereby result in interference to other radio services. Woodstock's electric fence may be one of those devices. If the device is an approved one, it should have a silver FCC label on the unit showing a certification number. **Even an approved device, however, can only be operated legally if it is *not* causing harmful interference to a licensed radio service.**

To help you better understand your client's responsibilities under Commission 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 resolve this problem and as a result the matter has been referred to our office. The Commission prefers that those responsible for the proper operation of equipment assume their responsibilities fairly. This means that your client should resolve the interference caused by the device and make necessary corrections within a reasonable time. The June 22, 2009 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 July 21, 2009, you responded to the letter on behalf of your client, (name withheld). In that response, you indicated that as a result of the first letter sent by the Commission in August of 2006, (name withheld) checked all of its connections and replaced some worn insulators. You did not, however, provide any details of recent attempts to resolve (name withheld)'s noise. Rather, you noted that (name withheld) has "installed their equipment exactly to the manufacturer's specifications and certainly to standards tremendously higher than the average farmer would ever bother doing."

Such a response is not acceptable. As indicated above, even an approved and properly installed device may only be operated legally if it is *not* causing harmful interference to a licensed radio service. In this instance, (name withheld) reports that as of August 24, 2009, the noise remains and has not decreased at all. One possible solution would be for (name withheld) to purchase a fence energizer, the cost of which is \$100. (Name withheld) has used this particular solution with other fence owners in the area with great success.

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

In order to avoid enforcement action on this matter, you have thirty (30) days from the date of receipt of this letter to respond to this office at the following address: 1270 Fairfield Road, Gettysburg, PA 17325. The response must contain a statement of 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 York Field Office  
Northeast Regional Director