

**VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

August 17, 2009

Mr. Steven E. Moore, Chairman  
President & CEO  
Oklahoma Gas & Electric Company  
(address withheld)  
Oklahoma City, OK 73101-0321

**Re: EB-09-GB-0011**

Dear Mr. Moore:

On February 18, 2009, the Federal Communications Commission notified Oklahoma Gas & Electric Company (OG&E) 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)  
Bethany, OK 73008  
Tel: (number withheld)

The February 18, 2009 letter advised OG&E that the interference, if unresolved, could be a violation of Commission rules. For this reason, we encouraged OG&E 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 July 1, 2009, the Commission sent a second letter noting that OG&E had failed to respond to the February 18, 2009, letter. On July 7, 2009, OG&E responded to the letter. In its response, OG&E indicated that it had investigated (name withheld)'s complaint in April. According to OG&E, the ticket was closed after the line crew spoke to (name withheld) and he indicated that things were fine at that time and that no further complaints had been received by (name withheld).

According to (name withheld), however, OG&E had not made any contact with (name withheld) nor has he ever indicated that the problem had been corrected. Indeed, (name withheld) reports that the interference has been continuous. In order to ensure that OG&E had an updated record of his complaint, on July 17, 2009, (name withheld) again refilled his interference complaint with the utility. At that time, (name withheld) spoke with a customer service

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

representative who indicated that someone from OG&E would come out to his residence that day to attempt to identify and resolve the source of the interference. To date, no one from OG&E has been out to (name withheld)'s residence. Moreover, (name withheld) reports that there has been no reduction in the radio frequency interference.

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 OG&E 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: Dallas Field Office  
South Central Regional Director