

VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED

August 17, 2009

Mr. Bill Moore, CEO
Westar Energy
(address withheld)
Topeka, KS 66612

**Re: Warning Notice
EB-09-GB-0137**

Dear Mr. Moore:

On May 22, 2009, the Federal Communications Commission notified Westar Energy 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)
Wichita, KS 67207-2444
Tel: (number withheld)

The May 22, 2009 letter advised Westar Energy that the interference, if unresolved, could be a violation of Commission rules. For this reason, we encouraged Westar Energy 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 Commission records indicate that we did not receive a response from Westar Energy to the May 22, 2009 letter. Likewise, (name withheld) reports that he has not been contacted by Westar Energy nor has been any 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

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

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 Westar Energy 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: Kansas City Field Office
South Central Regional Director