

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

March 17, 2017

Mr. David G. Hutchens
President and Chief Executive Officer
Tucson Electric Power
PO Box 711
Tucson AZ 85702-0711

**Re: EB-FIELDNER-17-00023856
Radio Frequency Interference**

Dear Mr. Hutchens:

The Federal Communications Commission has received complaints that equipment operated by your utility may be causing harmful radio interference to an operator in the Amateur Radio Service. The complainant is:

(Name withheld)
(Address withheld)
Tucson, AZ 85704
(Number withheld)

(name withheld) reports she is experiencing high levels of radio noise that centers around 7.150 MHz. She indicates that it was initially reported to TEP but later determined by TEP to be a nearby AT&T facility. The interference was then reported to AT&T and two of their engineers subsequently investigated the problem.

Based on the AT&T report, the noise appears to be coming from TEP equipment. Specifically, the noise seems to be coming from Pole #183 on La Canada Drive near Magee Road. Please see the enclosed report dated November 10, 2016, for additional details on AT&T's findings.

While this admittedly is not a typical case of Power Line Gap Noise, I understand that the AT&T engineers are willing to provide additional background on their findings. If requested, I also understand that AT&T would be willing to consider field coordination and analytical resources to resolve this problem. A mutual effort in this matter would no doubt help expedite it to a successful conclusion.

Here are the names and contact info for two of the AT&T engineers:

(Name withheld)	(Name withheld)
Email: (withheld)	(withheld)
Tel: (number withheld)	Tel: (number withheld)

Please also be advised that the Commission has the responsibility to require that utility companies rectify 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 in this case has attempted unsuccessfully to work through your usual complaint resolution process and as a result the matter has been referred to our office. The Commission prefers that those responsible for the proper operation of power lines assume their responsibilities fairly. This means that your utility company should locate the source of any interference caused by its equipment and make necessary corrections within a reasonable time. As I previously mentioned in this letter, AT&T engineers are willing to work with TEP in an effort to resolve this matter.

While the Commission has confidence that most utility companies are able to resolve these issues voluntarily, the Commission wants to make your office 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 FCC 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 your utility company is 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 by May 19, 2017, 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. Please direct your response to the following address: 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

If you have any questions about this matter, please contact me at 717-338-2577. Thank you for your cooperation.

Sincerely,

Laura L. Smith, Esq.
Special Counsel
Spectrum Enforcement Division
Enforcement Bureau