CASE REPORT - EB-08-KC-0327

Run Date: 8/28/2009

| Start 9/17/2008 Susp. 11/26/ | 2008 Status: CLOSED HO | Q | SolDate:10/21/2009 S | Agent: 🗷 |
|---|---|---------------------------------------|------------------------------|--------------------------|
| | MPLAINANT | | SUBJECT | |
| Name: THOMAN | | WAYNE K. WH | ITMER | _ ~ |
| Company: | ·- | _ | **** | |
| Address: Manually | | seen and the see | | |
| City: ### | · ST: 機能 | Perry | ·. <u> </u> | ST: IA |
| Geo: SCR | Zip: Wills | SCR | · Zip: | |
| Phone: (##\$) 484-685 | Aux: | (((((((((((((((((((| | |
| Email: | | - I. Charle China | Aux. | · <u> </u> |
| P_Address: | | -[- — — | | • |
| | nna about 380' from garage | House is for sa | ale per the yard sign. | - |
| CGeo:SCR Freq: Call:KC0EBM | Safety Non-Safety Complt YES IX YES | ISCR | :SGeo None :Freq :Call | :Special::Local:::Master |
| Method: EMAIL | Confide NO | | -0:FRN | :ASR |
| Entity:Consumer | Cong. YES | Consumer | :Entity | :Lat. |
| To: 973 - Broadcast | InfoTrs | 015 - HEEE | :From | :Long :XCityS |
| Interference from battery change of the OLA Control number: 08017 EventDate Agent Event Type | 706 WORK E | n en en e <u>l en en estado</u> | | |
| 9/17/2008 MA COMPLAIN | NT_R | | | |
| Letter to Con | • | of complaints mad | | |
| 10/15/2008 REFERRA | L_RE rrefebh | | | |
| Prob. Resolution: complaint re- | ceived from EB/HQ this date. | | | |
| 10/15/2008 THE INVESTIG | ATION invinter invinview ixx | congothte | | |
| leaves town | complainant this date. Interfe for the weekends or an exten prove source is from charging | ded period of time | ·. | |

10/21/2008 国地路

INSPECTION

inspothergen1

Prob. Resolution: Interference confirmed and documented via on/off testing of Jet3 model wheelchair charging

system.

10/24/2008

UPDATE

Prob. Resolution: complainant advised of inspection and attempted contact with congressional office in Des

Moines. (message left for her return to office on 10/28/08)

Awaiting guidance from reg. atty

11/4/2008

UPDATE

Prob. Resolution: White Editor of Grassley's office returned my call. 10:00 am this date

Advised her of onscene visit, the wheel chair battery was the source of interference and my case

report was awaiting reg atty action.

11/12/2008

ENFORCEMENT Issued:Citation DocNum: C20

Prob. Resolution: 15.5(b);

11/12/2008

UPDATE

Prob. Resolution: Appendiculation advised of mailout and Market 1988 of grassley's office copied.

ACCEPTOR asked to notify OLA

11/21/2008 UPDATE

Prob. Resolution: Received call from Mrs *** Clarifying what she though our Warning Letter meant. She said the wheelchair had been unplugged almost entirely since 2007. I asked that she notify us if the

wheelchair charger gets fixed.

1/13/2009

CLOSED

CloseResolveByFCC

Prob. Resolution;

closed with DD approval.

No further complaint received.

RULE VIOLATIONS

Event Date Enf.Action Type

Sanction Type

Rule Violation

Viol. Date

Document Num. \$ Amount

11/12/2008 Issued

Citation

15.5(b)

10/21/2008

C200932560001

Before the Federal Communications Commission Washington, D.C. 20554

| In the Matter of |) | |
|------------------|---------------------------|------|
| |) File No.: EB-08-KC-0327 | 7 |
| Wayne K. Whitmer |) Citation No. (Cappagas) | 0001 |
| Perry, Iowa |) Citation No.: C20093256 | 0001 |

OFFICIAL NOTIFICATION

Released: November 12, 2008

By the District Director, Kansas City District Office, South Central Region, Enforcement Bureau:

- 1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"), to Wayne K. Whitmer for violation of Section 15.5(b) of the Commission's rules ("Rules").
- 2. In response to a complaint of interference, on October 21, 2008, an agent from the Commission's Kansas City Office of the Enforcement Bureau located an interfering signal to a single family residence occupied by Mr. Whitmer. Further testing on that date, revealed that the source of the interfering signal was the charging system on your Jet 3 power wheel chair manufactured by Pride Mobility Products. Accordingly, the charging system is an unintentional radiator under Part 15 of the Rules.³ On October 21, 2008, the agent determined that the charging system was causing harmful interference to the HF radio spectrum.
- 3. Section 15.5(b) of the Rules states "[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused"
- 4. Section 15.5(c) of the Rules states "The operator of a 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." Oral notification was provided at the time of inspection. You are hereby notified that you must cease operation of the charging system until the harmful interference can be corrected.

^{1 47} U.S.C. § 503(b)(5).

² 47 C.F.R. §§ 15.5(b).

³ See 47 C.F.R. § 15.3(z).

^{4 47} C.F.R. § 15.5(b).

^{5 47} C.F.R. § 15.5(c).

- 5. Mr. Whitmer may request an interview at the closest FCC Office, which is Federal Communications Commission, 520 NE Colbern Road, Second Floor, Lee's Summit, Missouri 64086. You may contact this office by telephone, (816) 316-1248 to schedule this interview, which must take place within 14 days of this Citation. Mr. Whitmer may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. Please reference file number EB-08-KC-0327 when corresponding with the Commission.
- 6. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required. Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.
- 7. IT IS ORDERED that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Wayne K Whitmer at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Soute Ming

Robert C. McKinney District Director.

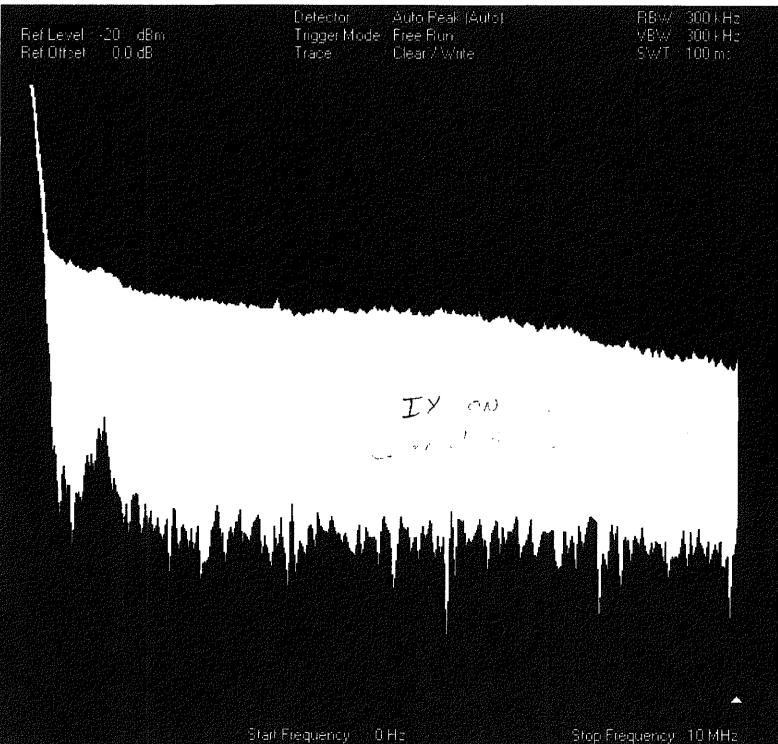
Kansas City District Office

South Central Region Enforcement Bureau

⁶ 47 U.S.C. § 503(b)(5).

⁷ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁸ See 18 U.S.C. § 1001 et seq.



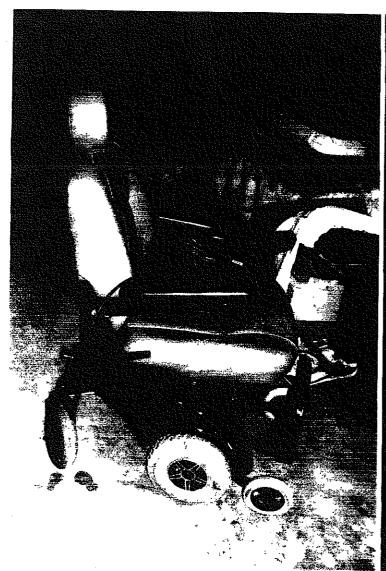
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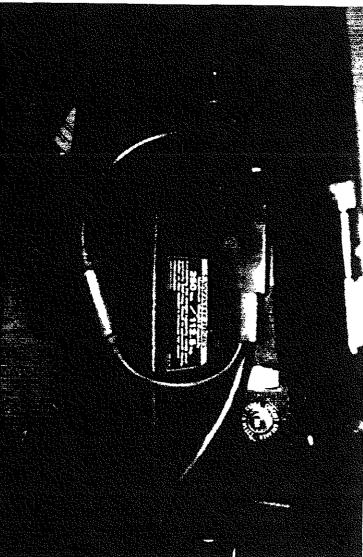
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|-------------------------------------|--------------|
| Channel Table: | |
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| Frequency Offset | 0 Hz |
| Span | 100 MHz |
| Rel Ottget | 0.0 dB |
| RF Attenuator | 0 dB |
| Freempliter: | |
| Dynamic Flange | Low Distorti |
| BE Input | < 50 : Ohm) |
| VSWE Sindae | No Bridge |
| RBW . | :300) H# |
| VBW | /300//FH5% |
| SWI Commission | 100 me |
| Trace Mode | Clear / Writ |
| Trace Math | Official |
| Detector | Auto Peak (|
| Ingger Mode | Free Run |
| Trigger Level | |
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| Transducer (d81 | |
| Date | 10/21/2008 |
| Time | 2 25 20 PM |
| Instrument | FSH06.40 |

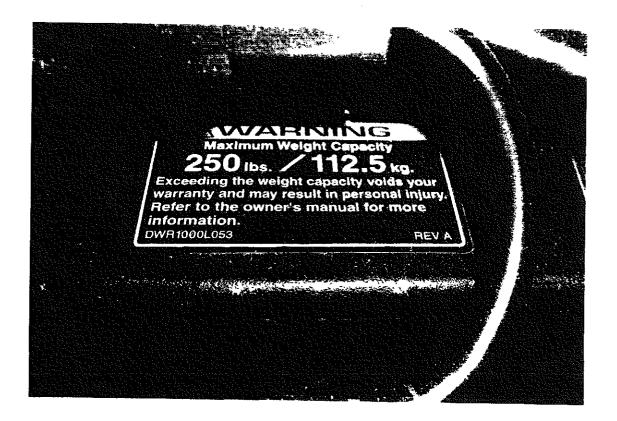
Lenter Frequency 5 MHz

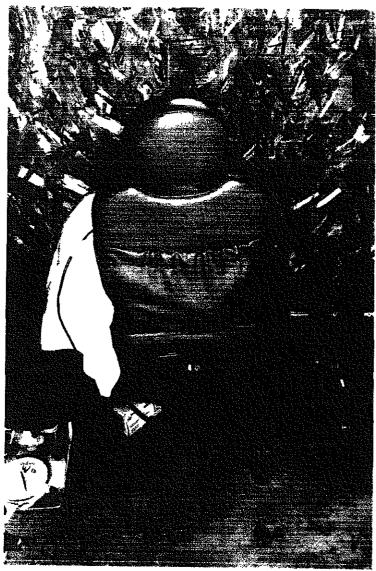
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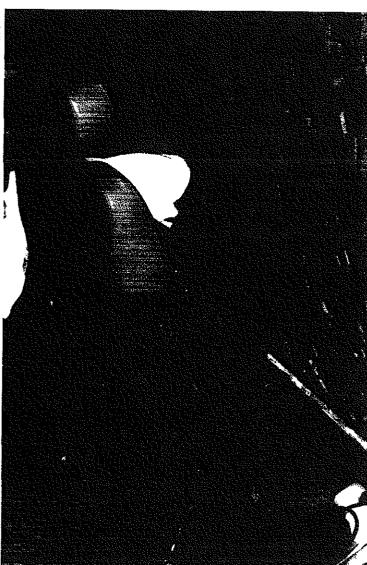
10 MHz Span

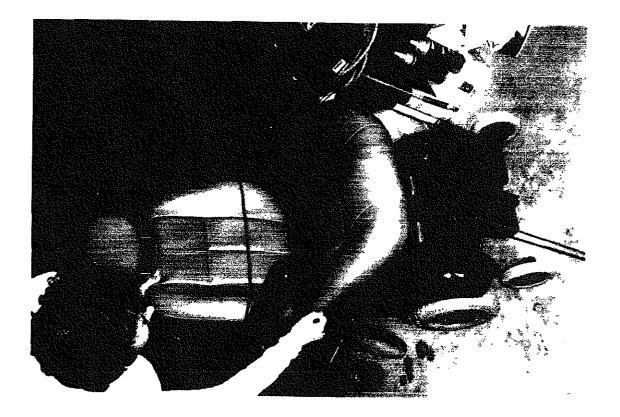


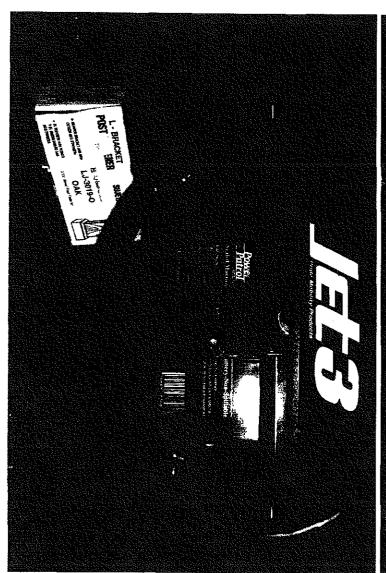














Contractor Registration

Registration Number: C099449

Lisuance Date:

06/27/2007

Renewal Received?. Original Issuance

Date:

Expiration Date:

06/27/2009

Type of Business: Principal Activity: Sole proprietorship Carpentry & flooring

Contractor Name:

CONTRACTORS PARTNERS LTD Is Mailing Address same as Principal place of business? Yes

Mailing Address

Address:

CHAPPING CHA PERRY IA SPACE

County Name:

Dallas Telephone:

Owner/Officer:

WAYNEK WHITMER

Contractor claimed exemption from Yes

worker's compensation insurance:

Out-of-state bond on file:

Insurance Expiration

Date:



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|---|-----------------------------------|---------------------------|-----------------|-------------------------|---------------|
| Control No: 080170 Action : User Assigned . | 6 SignedBy Boreau/O B/O Review | Higo Trief. Pele | Orlly Routine D | ue Date 10 15 | 30\0\\0 |
| Comment | | -b' in as w |] | Remarks · | |
| Official Name: | Grassley, Charles È. (R | HAY | Mills Sol | Burdau. | ENFORCE |
| Title/ Subcommittee | DISTRICT OFFICE N | /\v4\ y \A\/\\ | My coor | Division | Spectrum Ent |
| Committee | | • | | | |
| City: | | | | Group | "EB Front OI |
| Room: | | | | | |
| Organization: | Senate | | | Туре | in.Out |
| Party | Republican | | | Tone | Neutral |
| State : | íA | | | | |
| District : | | | | | |
| Subjects : | Interference / Jamming | <u>-</u> , | | Co-ordinating Bureau | |
| Constituent Name: | Thomas E. Friess | | | Sensitivty: | No |
| Incoming Date : | 9/12/2008 | | | Archive | No |
| Received On: | 9/23/2008 | | | Data Entry : | Wingard, Jost |
| Date Entered | 9:23 2008 | | | Follow-up Date | _ |
| Other Officials : | | <u></u> | | Follow-up Comment | |

Herrita. 125 Hann Senart (Herer B., Jene Manimitron DC 00510-101 077-776-7722 117-7221-724-442 umail Churk, pubbley & grussley senate po-P 18 205 Finning Brighty 101 1 - Sinter St Trial Hangs Anna Liter 219:365 6601

United States Senate

CHAPLES & GHASSLEY

WASHINGTON, DC 20510-1501

September 12, 2008

Kevin Washington Director, Congressional Liaison Specialist Federal Communications Commission 445 12th Street, SW, Room 8-C445 Washington, D.C. 20554

Aug to

103 Fobreas Continuos Principo 201 61- Sheri Solid Chellia 211, sengas (712) 233-1860

212 Wassenco Billongs 535 Commons a, Schepp Worse Ad 14 Fabra Rage 1359 237-6627

III WEST SRO STEVET Burk 188 Davisanjan rajiya turgiti 1561-323-335

2007 Friderick Burghing 5 Supplier Street District Burghing A Massacia, in 17 Supplier Street

Received & Inspected

SEP 17 2008

FCC Mail Room

Dear Mr. Washington:

Enclosed please find a communication from Hills Man of Alle . par regarding a complaint filed with the Federal Communications Commission. Enclosed are document copies provided by Mr. William.

I would appreciate any assistance you could provide pertaining to this matter. You may direct any questions and your return reply marked to the attention of state Cooks in my Des Moines office.

Thank you for your attention to my request.

Chuck Granley Charles E. Grassley United States Senator

CEG/jg

Enclosures

RANKING MEMBER FINANCE

Committee Assignments

BUDGET JUDICIARY AGRICULTURE

PRINTED IN ROLVESTON PAPER

CC-CHARMAN INTERNATIONAL NARCOTICS Attention: JG

SENATOR CHARLES E. GRASSLEY

721 Federal Building 210 Walnut Street Des Moines, Iowa 50309 (515) 288-1145 FAX: (515) 288-5097



CONSENT TO RELEASE OF PERSONAL RECORDANFORMATION

The Privacy Act of 1974 prohibits the government from revealing any information from personal files of individuals without the express permission of the person involved. Disclosure of personal records to a Senator who is acting on behalf of a constituent is prohibited, unless the individual to whom the record persons has consented.

I, the undersigned, hereby authorize Senator Charles E. Grassley to receive information in my file pertinent to his inquiry on my behalf.

| AMARAMAMALLE |
|--|
| Signature MANA HIS |
| Name (Please Print) |
| September 11, 2008 |
| |
| S. Carroccusing Cumber or Service Number |
| |
| Address, Including Zip Code |
| Telephone Number |

STATEMENT OF PROBLEM (please be specific)

R.C. Amateur Radio Enforcement Bureau unresynosive to nunierous complaints

and the reporting horastul unker ference generated by my neighbor's faulty

electric inheelchoir our lastery charger toulosed please find a copy of the return

receipt of my original certified mail complaint, and copies of all complaints

repistered with the Enforcement Bureau in this case to date, with this author-

l'lease continue on reverse side if additional space is needed

ization and acompanying information. I am asking Senatur Clarles Grassley to compel the FCC Amateur Radio Enforcement Bureau to act to enforce it's rules regarding harmful interference by incidental radiotors, in this case a faulty electric wheelehair and battery charger in long term storage in my neighbor's garage located at the street, terry, Towa, which for nearly 2 years has seriously interfered with my licensed amateur radio operations.

Included information:

1 Copy of report by Alliant Energy RFI Technician, Lumpy Lundsfrom dated July 10,07

1 copy of my original complaint filed Sept, 20, 7007 sent by certified mail
1 copy of both sides of the Danestic Return Receipt confirming FCC receipt of my original complaint.

I copy of my second complaint filed 11/24 4, 2008

I copy of an e-mail received from the FCC on an unrelated communication requesting myassistence and referencing my original complaint saying "re the whethair tottery charger complaint, we will issue something it it shirts up again," Received Oct 3, 2007

I copy of my third complaint siled June 27,08 I copy of my fourth complaint siled Sept 4,08 Senator Chuck Grassley 210 Walnut Street Room 721 Des Moines, IOWA 50309

September 4, 2008

Dear Senator Grassley,

My name is **WhiteHitten** and I am an amateur radio operator, call sign **Modelin**. I have a long standing complaint that I filed with the Federal Communications Commission's Amateur Radio Enforcement Bureau nearly 2 years ago regarding a neighbor whose faulty electric wheelchair charger causes harmful interference to my amateur radio operations in violation of FCC regulations regarding "incidental radiators".

In my initial attempts to resolve this interference, I worked with my neighbor to discover the source of the interference. I also solicited the professional assistance of a trained RFI technician from Alliant Energy who positively identified the noise as originating from my neighbor's electric wheelchair charger in long term storage in his garage. After several attempts to offer remedies and to help get assistance from the wheelchair manufacturer, my last resort was to solicit help from our local police department. None of my efforts resulted in cooperation from my neighbor to eliminate the interference, so I filed a complaint with the FCC Amateur Radio Enforcement Bureau. No action to my knowledge was ever taken on that complaint, and since that initial complaint, I have filed 3 or 4 additional complaints on the same case with the Commission to get action. To this date, I have received no communication whatsoever from the Amateur Radio Enforcement Bureau on any of these complaints, and the interference continues unabated.

My latest complaint on this case was filed this morning. I also called the number on the Commission's website and discovered that it no longer belongs to the Amateur Radio Enforcement Bureau, and a Commission employee had to give me another number, which is not even listed on their website. When I called that number, I got a recording saying there was no one available to take my call. I have exhausted virtually every available effort to resolve this matter, both, with my neighbor, and with the Commission, without any cooperation from either.

My obvious purpose in writing you is to request your assistance in obtaining FCC action on my long standing complaints that I have filed with the Amateur Radio Enforcement Bureau.

Sincere

Tradital Experience With the Boy.

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A Report as Spam | Spam | Reply | Reply | Reply All | 1

Subject: Amateur radio complaint
From: The Wather Confession and
Date: Thu, September 4, 2008 12:10 am Tot "FCCHAH" «FCCHAMBfcc.gov»

Priority: Normal

Options: View Full Header | View Printable Version | View Message details | View as plain text

Dear Amateur Radio Enforcement,

My name is the write has been and I'm writing yet agon to complain of interference being generated by a faulty electric wheelchair charger owned by my neighbor. The more hiterary of the property of the continuous, powerful, and broad banded interference is coming from the Whitmer residence. This is my fourth installment in this long running (rearly 2 years) complaint against Whitmer seeking Commission action to remedy this problem. Please refer to earlier complaints for background on this case, including the mailing address and phone number of Whitmer, and the many previous attempts that I and others, including Allient Energy and the local police department, have made to remedy this situation without Commission assistance.

It seems apparent to me, and it should also seem apparent to the Commission, that Mr. Whitmer does not intend to comply with the Commission's rules pertaining to incidental radiators, and I am once again beseeching the Commission to intervene against Whitmer to eliminate this interference.

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Attachments:

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🛕 Report as Spam 🧤 Forward . 😭 Reply 🚭 Reply All 🧐

Subject: Complaint #3: front against venime: From: "Management community community and the community and community

Pate: Sun June 22, 2008 5:16 am
To: "FCCHAM" «FCC-MAMGICL.gov»

Priority: Normal

Options: View Full Header I. View Printable Version. | View Message details: I. View as plain text.

Mr. Minimum Mina

I just returned from confirming with my portable shortwave radio that my neighbor, Wayne Whitmer, has once again plugged in his faulty electric wheelchair battery charger, which causes strong, continuous, and broadband interference throughout the entire coverage of my Yaesu FT 1000MP Mk V. This is the second time that Mr. Whitmer has plugged back in his wheelchair battery charger since he agreed to leave it unplugged, at which time I also filed my original complaint with the Enforcement Bureau against Mr. Whitmer. This is also the second complaint that I have filed with the Enforcement Bureau against Mr. Whitmer since I submitted that original complaint, there now being three complaints altogether.

Included below, please find the only correspondence that I have ever received from the Enforcement Bureau on my complaints against Mr. Whitmer. It is an e-mail dated October 3, 2007. In it, it states, "we will issue something if it starts up again". Yet, to my knowledge, no enforcement action has ever been taken on my long running complaint against Mr. Whitmer.

Mr. Whitmer has fully and repeatedly demonstrated his unwillingness to voluntarily comply with the FCC rules to eliminate the harmful interference that his wheelchair battery charger causes to my licensed amateur radio operations. I have no confidence that Mr. Whitmer will comply without receiving a firm and effectual response from the Enforcement Bureau on this ongoing complaint.

For background on this extremely lengthy and aborious case, and also for Mr. Whitmer's contact information, please refer to my original complaint, and also to my second complaint against Mr. Whitmer. I see no need to include it again in this, my third complaint to the Enforcement Bureau in this matter.

If the Enforcement Bureau needs anything further from me in order to take effective action against Mr. Whitmer on this long standing complaint, my contact information is included at the end of this complaint.

And, if this e-mail complaint lacks anything that the Enforcement Bureau regards as necessary in order to make it valid, or to make it qualify for Enforcement Bureau action upon it, then please inform me what I must do to make it valid and to make it qualify for Enforcement Bureau action. If necessary, I am prepared to submit this complaint in writing, including my signature, and send it via certified mail.

I thank you in advance for taking this complaint seriously and doing what you said you would

http://webmail.iowatelecom.net/sre/read_body.php?startMessage=1&passed_id=1726&ma..._9/11/2008

Page 1 of 2

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Message List

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A Report as Spam 🛂 Forward 🖭 Reply 🥵 Reply All 😭

Subject: Re: Death Threats on 3.842 Promi Tom Miles « termina) Date: Son, May 4, 2008 7:56 pm TO: TIOHAM" «FCCHAM@ftc.go+>

Priority: Named

Options: View Full Header | View Printable Version | View Message details: | View as prain text

Mr. Manidestration.

I'm writing to request that the FCC take prompt and effective action to compel my neighbor, Wayne Whitmer, which was perry, Iowa, which, to unplug his electric wheelchair charger, or to otherwise permanently eliminate the RFI/EMI interference being generated and emitted on his property. I just returned from confirming that the same noise that necessitated my original complaint is once again emanating from Mr. Whitmer's residence. The signal is 20-25 db over S-9 on my Yaesu FT-1000 MP MkV and it occupies most of the amateur, shortwave, and broadcast bands.

I've done all that I can reasonably be expected to do to persuade Mr. Whitmer to cooperate as you will see in my original complaint. I have attached that original complaint, which the Commission received by certified mail, to refresh your recollection as to all the events related to this complaint and also my attempts to help rectify the matter peacefully and in good faith. I have also included your latest correspondence with me in regard to that original complaint where you stated that you would "issue something if it starts up again" (see immediately below).

It has started up again.

I thank you in advance for your prompt and effective action to compel Mr. Whitmer to permanently eliminate this debilitating and, now arguably, malicious interference to my licensed amateur radio operations.

The last phone number I had for Mr. Whitmer was were the last

If you need to contact me for further information and/or assistance, please do not hesitate to write or call or e-mail. My mailing address is on file. My home phone is the common of phone number is a tribit.

In a separate e-mail, I will forward the e-mail that I received from the RFI/EMI technician, where **EMMINUTE**, from Alliant Energy regarding his professional findings in this matter as also related in my original complaint to the Commission.

I await confirmation that you have received this e-mail and my original complaint attached thereto.

Tnanks,

THEN WHILE KATHERING

---- Original Message -----

From: FCCHAM

To: Thursday

Sent: Wednesday, October 03, 2007 3:08 PM

Subject: RE: Death Threats on 3.843

We would need a recording and a signed complaint. Also, re the wheelchair battery charger complaint, we will issue something it it starts up again.

From: Third Palls [mailto: Halle Miller (1999)

Sent: Tuesday, October 02, 2007 4:48 AM

To: FCCHAM

Subject: Death Threats on 3.843

Mr. SUMBOUNDER,

I overheard a portion of a QSO on 3.843 MHz tonight. **JAMAN** made mention of what must be some correspondence from the enforcement bureau received by **DELIA** or **JAMA***, one of the members of that group, regarding death threats issued a few nights ago. I witnessed a good portion of that QSO. The unidentified station who was making the death threats was **JAMA***. As a matter of fact, **JAMA**** was making similar death threats to me earlier that same evening on 3.944. **JAMA**** was making similar death threats to me earlier that same evening on 3.944. **JAMA**** was making similar death threats to me earlier that same evening on 3.944, **JAMA*** was making similar death threats to members of the group that normally occupies 3.843, but he has often made death threats to members of the group that normally occupies 3.9475. **JAMA*** is one of the regulars on that frequency, and I invite you to contact him to verify the truth of my accusation. They all know on that frequency. And they've all heard his repeated threats. And if you want recordings of these theats, just ask and I will record the next event. I may already have a recording of **JAMA*** is threats, but I will have to find it. At any rate, a recording will not be difficult for me to get. If you want one, just let me know.

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Attachments:

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Wayne Whitmer Complaint.rtf

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[application/msword]

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Take Address

To: FCC Enforcement Bureau Amateur Radio 1270 Fairlield Rd. Gettysburg, PA 17325

From:

ENTRY BOWN CORDS

September 20, 2007

Dear Sirs.

Regretfully, and at last resort, I find it necessary to submit a formal complaint to the Commission regarding Radio Frequency Interference (RFI) being generated from a Part 15 device in my neighborhood that is harmfully affecting my licensed amateur radio operations. I am therefore requesting that the Commission review this complaint and take timely and appropriate action as necessary to enforce FCC rules to mitigate this harmful interference.

In the early winter of 2006/07, I began to experience powerful and continuous RFI to my amateur station. After a time, I began searching for the source of the interference because it was continuous and it seriously affected my ability to operate. Using a portable shortwave receiver, I was eventually able to locate the source of the RFI to be generally located in the area of the home of Wayne Whitmer, Will part Perry, lowa, roughly 2 blocks northeast of my residence.

Some time later, I contacted Alliant Energy and informed them of the noise and it's general location and suggested that, because of the strange—sound of the noise, I thought that it was not power line noise or transformer noise and that it was likely coming from something in the Whitmer residence. I then asked if there was anything at all that Alliant could do to help me. Alliant informed me that, in the case of noise originating from a customer's home, Alliant could not help me. At that point, I was resigned to the idea that it was not Alliant's problem and that I was going to have to pursue a solution directly with Mr. Whitmer, with whom I was not acquainted.

Some time later, after seeking advice from Alliant Energy on how to properly approach Mr. Whitmer, I decided to pay a personal visit to Wayne Whitmer's home to inform him of the noise and ask his assistence in locating the specific source. On that first occassion, Mr. Whitmer's wife answered the door. I introduced myself and explained the problem. Then, with a portable shortwave receiver in hand, I demonstrated to her the noise that I was experiencing and asked to speak to her husband. She replied that he was in the shower. I offered to wait to talk to him, to which she replied that they were

leaving to attend a funeral. I asked what time it would be appropriate to return after the funeral, and she seemed evasive. So I told her that there was a source of radio frequency interference emanating from somewhere on their property that was severely interfering with my amateur radio activities. Then I offered, at their invitation and convenience, to sweep their property with my receiver and locate the specific source of the interference and suggest an inexpensive solution, or if possible, to repair the offending incidental radiator myself whenever it was convenient for them. Then she flatly denied having any interference generating appliances. I suggested that it may be something as simple as a wall bug power supply or a doorbell transformer or a flourescent lamp or black light power supply. Again she flatly denied having any noise source or any flourescent lights. She said all she had was a computer. I asked her if she had a flat screen television and she replied, 'No", and then began to withdraw from the door as though she wanted the conversation to end. With that, I left.

Some time later, I spoke with Alliant's RFI Technician, Mr. Instruct (LAND) and talk and told him about my first awkward encounter with Mrs. Whitmer. I suggested to Mr. Instruction that neither Mrs. Whitmer nor her husband knew me and that she seemed suspicious of me and that maybe it would be helpful if a representative from Alliant Energy approached the Whitmers as a go between. I asked Mr. Land Libra, with whom I was familiar, if he could go over to the Whitmer residence in company uniform and in the Alliant truck and confirm to the Whitmers that the noise was indeed coming from the Whitmer home. Mr. Mand Library agreed and said that he was working out of town for another week or so, but would contact me when he was available locally again.

A few days later, I returned to speak to Mr. Whitmer, seeing his pickup in the driveway. Mr. Whitmer came to the door and I introduced myself. I immediately sensed a bit of agitation. I briefly explained the problem and demonstrated the noise with my portable shortwave receiver. Mr. Whitmer, now obviously agitated, seemed prepared by his wife for my visit and forcefully replied that he didn't have any flourescent lights or black lights or flat screen TV's, and that he didn't have a problem and that he couldn't help me with the problem. I asked Mr. Whitmer if it were possible that he could have a faulty doorbell transformer, and he said no because he was not experiencing any interference. Again, I demonstrated the noise on my portable shortwave receiver and that it was extremely likely, based upon my experience in successfully locating RFI sources, that it was indeed coming from his property and that it needed to be resolved because it was a violation of FCC rules to transmit an RF signal on licensed amateur bands without a license. I then tactfully cautioned Mr. Whitmer that it was in his best interest to avoid FCC involvement because the fines could be rather hefty. Mr. Whitmer seemed to grow even more agitated and insisted flatly that he didn't have a problem, so I left.

Eventually, Mr. With Mich did his initial investigation and concluded that the noise did not come from the main line and that company policy prevented him from pressing the issue with the customer, Mr. Whitmer.

This powerful interference continued without cessation or abatement for months, But Alliant couldn't help me and I had no option but to try to convince Mr. Whitmer to

acknowledge the source of the interference as being his own and to persuade him to voluntarilly fix it. Not wishing to anger an already demonstrably uncooperative Mr. Whitmer, I tolerated the noise for months. Finally, out of sheer frustration, I mustered up the gumption for another attempt. Near the end of June of 07, I returned to the Whitmer residence with the intent to again seek a resolution to this problem. I went to the door with my portable shortwave receiver in hand. Nobody came to the door. Previously I had noticed an easement (no alley for easy access) at the rear of the property with high voltage power lines. Considering Mr. Whitmer's previous insistance that he didn't have a problem, and hoping to find Mr. Whitmer in the back yard, I went toward the rear of the property with my portable receiver hoping to find the source of the noise on the power line or transformer. With Mr. Whitmer nowhere to be found, I stood directly below the power line and noticed a very slight increase in the noise level and I decided to make another call to Alliant Energy. When I returned toward the front of the property to leave, I was met by Mr. and Mrs. Whitmer who had just returned home. Initially perturbed, Mr. Whitmer became surprisingly civil when I aplogized and apprised him of my purpose in being on his property and that I was persuaded that the noise may indeed not be his responsibility after all, and that the noise seemed louder as I stood under the power line. I apologized for any inconvenience to him and his wife. At that point I informed Mr. Whitmer that I would be contacting Alliant Energy seeking their further assistance in positively locating the source of the noise. Mr. Whitmer contended that it was not his responsibility, but voiced no objection to my intent to call Alliant Energy. With that, I left.

I returned home and placed a call to Alliant Energy's RFI Technician, Mr. (1986) White the ligand Mr. White the a verbal rundown of the history of this long standing problem to refresh his memory of it. I further informed Mr. WHILE that I had just returned from another attempt to the Whitmer residence and that I had noticed a slight increase of the noise level as I stood beneath the main line in the easement at the rear of the Whitmer property. I then asked Mr. But Make if there was any way that he could assist me. Mr. **Multiple** informed me that he would pay another visit to the Whitmer residence and see if he could locate the source of the noise. Mr. upper said, however, that if the source of the noise was indeed Mr. Whitmer's, and that it was not on the main line, that Alliant Energy had no recourse. On the basis of that understanding, Mr. Mindship went to the Whitmer residence to locate the noise. While he was on the Whitmer property, Mrs. Whitmer came outside to investigate Mr. Hydra 's activities. At that time, Mr. handwild informed Mrs. Whitmer that the source of the noise was coming from the garage in back of their house. With that, Mrs. Whitmer opened the garage and gave access to Mr. Management Mr. Mr. Multiplied located the specific source of the noise to be an electric wheelchair plugged in to a battery charger in the Whitmer garage. Mr. Matthewa first began by turning off circuit breakers one by one on the service panel in the garage. Upon turning off a circuit breaker, the noise stopped. When Mr. (although returned the circuit breaker to the "on" position, the noise returned. Mr. the distribution, seeing the electric wheelchair plugged into a battery charger, unplugged the charger from the wheelchair and the noise immediately stopped. When he restored the charger to the wheelchair, the noise immediately returned. Independently, I was at home monitoring my radio to see if Mr. Undestinate investigation resulted in any change in the noise. I heard the noise quit, and shortly thereafter return. A bit later (within 2

minutes) I heard the noise stop, and later return.

After conducting this investigation, Mr. **bandwide** returned to my home to inform me of his results and his conversations with Mrs. Whitmer. Mr. **bandwide** relayed the story of this occassion just as this narrative states. Both Mr. **bandwide** and myself were convinced that the specific noise source had been positively identified during his investigation at the Whitmer residence and his experiment in the garage with the electric wheelchair. Mr. **bandwide** confirmed that Mrs. Whitmer witnessed all of this and that she volunteered that the wheelchair once belonged to her mother who had passed away not long ago and that she was storing it for her own eventual use and that she had recently purchased expensive new batteries for it and she wasn't about to remove those new batteries from the charger.

At this point, Mr. And Mitthen informed me that company policy prohibited him from further involvement since it was proven to be a "customer Issue". Then I asked Mr. Mitthen if it would be possible for him to write up a report of his investigation and send it to me so that I could use it as evidence in the event that it became necessary to file an FCC complaint. To that he agreed and I am including his brief report as an addendum to this complaint. You will find Mr. Mattheway's e-mail report included.

At this point I continued my own efforts to seek further advice and help from qualified people. One of those was **Phytolical Manufacture**, a personal friend of mine whom I knew was a trained professional electric wheelchair technician.

A few weeks later, I called Mr. Whitmer and told him that I had contacted an amateur radio friend of mine, the property of the party of the was sales and service of electric wheelchairs. I relayed to Mr. Whitmer that Mr. This advised me that the charging system should not emit RFI if it were functioning properly. Mr. Whitmer denied that the charging system was malfunctioning. I relayed to Mr. Whitmer that Mr. advised trying an in-line low pass AC noise filter to see if that would eliminate the problem. Mr. Whitmer informed me that I would have to pay for it because he wasn't convinced that there was a problem with his wheelchair. I also relayed to Mr. Whitmer that Mr. Thirds advised that if the wheelchair was in extended storage without being used, that it should not be on the charger perpetually and that Mr. Whitmer should purchase an inexpensive in-line timer set to energize the charger only one hour per day until his wife began to use the wheelchair on a regular basis. Again, Mr. Whitmer said that I would have to provide that timer. Mr. Whitmer further declared that the book that came with the electric wheelchair stated that the charger should be plugged in whenever the chair was not in use. I further relayed to Mr. Whitmer that Mr. feared that the new batteries in their wheelchair may already be damaged because of continual over-charging while being stored in disuse. Also that Mr. The feared that if so, there could develop, and may already exist, a potential fire hazard from the batteries being continually overcharged. Mr. Whitmer denied that this constituted a potential fire hazard and that he wasn't worried about fire due to battery overcharging because the owners manual said that the charging system only charged the batteries when needed and then shut itself off when fully charged. I also asked Mr. Whitmer if he could provide

to me the make, model, and serial number of the wheelchair so that I could call the manufacturer and investigate potential causes of the RFI, and potential repair costs. I also suggested to Mr. Whitmer that if the manufacturer was confronted with a violation of Part 15 rules, that they might volunteer to service the wheelchair at no cost. At that point, Mr. Whitmer seemed satisfied that I was indeed not just trying to cause problems for him, but that I was also willing to help him resolve the problem. Mr. Whitmer then agreed to let me have the wheelchair documentation. At that point, I asked Mr. Whitmer if I could come over and get the paperwork for the wheelchair and take down the make, model, and serial number of the wheelchair. Mr. Whitmer said that he was just leaving and that I could come over when he returned. I called him back later and he told me that I couldn't come over because they had company. At that point I suggested to Mr. Whitmer that it might be just as easy for him to drop off the paperwork for the wheelchair as soon as convenient and that I would begin to seek help from the wheelchair company in his behalf. Mr. Whitmer agreed to drop off the paperwork the next day, but he never did.

A couple of days after the previous phone conversation, having not seen or heard from him, I called Mr. Whitmer late one evening and again complained about the noise and asked him if he would kindly unplug the wheelchair before going to bed so that I could enjoy my radio that night. Surprisingly, he agreed, and within minutes, the noise stopped. I immediately called him back to thank him for his kindness. From that point I enjoyed noise free operations for several days. Then suddenly the noise returned without warning or without any contact from Mr. Whitmer about repairs being made or any attempt to remedy the problem or without allowing me to read the paperwork and contact the wheelchair company as I had graceously offered to do. My distinct impression was that Mr. Whitmer, after realizing that it was indeed his wheelchair that was the cause of the interference, was not dealing forthrightly, and that he had demonstrated no intent to deal forthrightly with me about it at all, and also that he was not going to voluntarilly expend any effort at all to cooperate in eliminating the interference, either on his own, or with my help. After about a week of continual interference without a word from Mr. Whitmer, I decided to approach Mr. Whitmer one last time to persuade him to cooperate, and if not, to inform him of my reluctant but firm intent to file a complaint with the FCC.

Before dawn on September 20th, 2007, I took my portable shortwave receiver and drove to the Whitmer residence and walked up and down the public sidewalk in front of the Whitmer residence and confirmed that the noise was indeed coming from the Whitmer property. At that point I went home and around 6:15 AM, I called the Perry Police Department. I asked Perry PD dispatch that an officer be sent to my home for consultation about a potential neighborhood dispute. Upon officer Mathwell's arrival, I explained the situation to her. She informed me that the Perry Police Department could not intervene in FCC rules violations, but that she could accompany me to the Whitmer residence to ensure the safety of both parties while we discussed the matter. I informed officer Maxwell that that indeed was the reason that I called, so that police presence would be available to prevent an angry confrontation, and that my only purpose was to give Mr. Whitmer one last chance to cooperate and avoid FCC involvement. At that

point, another squad car arrived and officer white was apprised of the situation and my intent for them only was to accompany me to the Whitmer residence to keep the peace while I made one last attempt to resolve this matter peacefully and amicably. To that we all agreed and then proceeded to the Whitmer residence in order to catch Mr. Whitmer before he left for work.

I, being accompanied by officers the model and the subject on the front door of the Whitmer home. Mr. Whitmer eventually came to the door and I informed him that my noise had returned and that I had my receiver with me to confirm that the noise was indeed again emanating from his residence. Mr. Whitmer again denied that he had a problem. I turned on my portable receiver and it roared with the noise. Mr. Whitmer asked me how I knew that it was his problem. I then reminded him that I had called him only days before and requested that he unplug his wheelchair, which he did, and that the noise stopped, and that I had immediately called him back to thank him for doing so because my receiver went quiet at that instant. Mr. Whitmer then charged that I had done nothing to help fix the problem. Again, I reminded Mr. Whitmer that he had agreed to drop by my house with the documentation for the wheelchair so that I could contact the wheelchair company and seek an affordable remedy, and that he never gave me the documentation, and never attempted to contact me again for help. Then Mr. Whitmer denied ever having any documentation whatsoever, and that he never received any documentation for the wheelchair when they acquired it from his Mother-in-Law's estate. He further denied that he ever offered any documentation to me at all. Then Mr. Whitmer asked me why the Police were present. I replied that I had requested Police presence to ensure that our discussions would remain peaceful. Officer With Harthen assured Mr. Whitmer that the Perry PD had no jurisdiction over FCC matters and that her interest was only to ensure peace. At that point I informed Mr. Whitmer that the problem had reached a point that I would have to seek recourse with the FCC because he was in long standing violation of FCC rules and had shown no willingness to cooperate. Mr. Whitmer responded that he knew no FCC rules experts and that nobody had proven to him that he was in violation of any FCC rules. I then informed Mr. Whitmer that he would be sufficiently informed of his violation by the FCC Enforcement Bureau after I filed a complaint against him, and further, that failure to comply with the rules could result in FCC fines for each occurrence. At that point, Mr. Whitmer angrilly accused me of tresspass and ordered me off his property. I immediately complied by moving off the Whitmer property with officer statement in tow. When we arrived at the public sidewalk in front of the Whitmer home, officer Williams advised me to go ahead and pursue recourse with the FCC by filing my complaint because it was obvious that Mr. Whitmer was not likely to cooperate. Officer distributed also advised me never to return to the Whitmer property because of Whitmer's threat of tresspass. I responded that I had no further desire or intent to communicate with Mr. Whitmer directly again, and that I was going to pursue FCC remedy. With that, we all set out to leave the Whitmer residence. Upon reaching my vehicle to leave, Mr. Whitmer angrily informed me that he would unplug the wheelchair, but that it was my responsibility to pay for it's repair to eliminate the noise. I didn't respond. Heft without comment. I rely upon the Commission to contact the Perry Police Department to verify the truthfulness of this narrative.

When I arrived home, the noise stopped after about 20 minutes. But I have no confidence that Mr. Whitmer will not plug his wheelchair back in even before the Commission has a chance to respond to this complaint. Therefore, I am going forward by filing this complaint with the expectation that the FCC will speedily inform Mr. Whitmer of his violation and his responsibilities to comply with FCC rules regarding incidental radiators and the unlawfulness of his wheelchair interfering with my licensed amateur operations.

The RFI generated by Mr. Whitmer's wheelchair averages 20db to 25db over S-9 on my Yeasu FT-1000MP Mark V with no attenuation or noise blanking in the LSB mode in the 75 meter band. The noise level is much higher in the AM mode while listening to shortwave broadcasts. The noise is wide band in coverage and is powerfully present on all HF amateur bands, military bands, and shortwave bands beginning from the AM broadcast band all the way up to 30 MHz. This powerful wideband RFI signal is generated 24 hours per day every day, and is apparent anytime the wheelchair is plugged into it's charger (continuously).

I also wish for the FCC to recognize that I have done all that could be reasonable expected of me to obtain an equitable and peaceful resolution to this problem on my own without unduely or prematurely requesting FCC intervention, and thereby placing an undue burden upon the Commission or undue expenditure of scarce FCC resources. I have patiently and peacefully and cautiously and diplomatically sought resolution of this problem for nearly one year. At all times and with all individuals did I conduct myself with all the civility, patience, and dignity that could be expected of any amateur in good standing with the Commission.

I also considered Mr. Whitmer's financial abilities to comply with the rules. It is my understanding that Mr. Whitmer owns his own business as a contractor in the Des Moines area housing industry, one of the fastest growing housing markets in lowa, if not the nation. He drives a top of the line late model Ford pickup. He owns a Harley Davidson motorcycle and he lives in a new house with a new garage in back. And to comply with FCC rules would cost him NOTHING but to simply walk out to the garage and unplug the wheelchair as he grudgingly demonstrated only once during this entire year long ordeal.

I also wish for the Commission to recognize my attempt to help Mr. Whitmer by offering to review the documentation of the wheelchair, documentation which he repeatedly professed to have, and to contact the manufacturer about the cause of the RFI and to assess repairs and costs but Mr. Whitmer never gave me that opportunity.

I also wish for the Commission to recognize the potential legal liability to which I would have exposed myself had I purchased for Mr. Whitmer a low pass AC line filter, or an in-line timer, or fashioned some type of RF shielding for the charger; or to even set foot in his garage, especially given the fact that a real potential fire hazard already existed in Mr. Whitmer's garage due to the stored wheelchair batteries being under continuous charge for a long period of time as noted by Mr. **Morthleta*, an experienced professional

electric wheelchair technician from whom I sought advice, both, for myself, and for Mr. Whitmer's benefit.

Furthermore, I wish the Commission to recognize that I have had no prior dealings whatsoever with Mr. Whitmer or his wife, and that prior to this ordeal, they were total strangers to me and I have no prior axe to grind in filing this complaint. The sole motivation for filing this complaint is to eliminate the harmful interference being generated by Mr. Whitmer's wheelchair, and nothing more.

I would also like the Commission to know that I am not just an amateur radio "hobbyist". I regard amateur radio primarily as a public service. I have a security clearance with Des Moines Area Emergency Management and have assisted with Emergency Management Disaster Training Drills at the Des Moines International Airport. I am also a National Weather Service trained Storm Spotter covering a four county area in sparcely populated rural lowa and am heavily relied upon by the Johnston, lowa NWS Office. Last year, at the instant that it formed, I reported the Woodward tornado that made national press coverage. And had it not been for my timely report, Woodward would not have had the mere ten minutes that it had to seek cover. For nearly ten years, I have been available to the NWS Johnston Office 24 hours per day, seven days a week. No one at the National Weather Service Johnston Office would hesitate for an instant to tell you that I am one of their most valuable, reliable, respected, and experienced amateur radio stormspotters at their service. Additionally, by request of the lowa EC, I served on the committee that formed the Central Iowa Skywarn Association, which now serves all of Central lowa during severe weather events in support of the NWS Johnston Office. I also helped build and install a new repeater system for the Coon Valley Amateur Radio Club, which is now linked to the NWS Stormspotter repeater network to extend the NWS eyes and ears to western lowa. For me, amateur radio is NOT JUST A HOBBY! My amateur radio services are needed and appreciated in this community, and I beseech the Commission to do all it can to promptly eliminate this harmful interference to my operations.

This complaint is filed with the understanding of my legal as well as moral obligation as an amateur radio licensee to be truthful to the best of my ability to relay the facts to the Commission. I do so with no willful misrepresentation, and only with the caveat that these events transpired over the course of nearly a year and this information may be somewhat in error as to exact dates and times, but in all other material respects are complete and true to the best of my ability to recall and to express them.

Lastly, I am asking the FCC to take timely and appropriate action to inforce the Commission's rules in these regards, so that I may be relieved of this powerful and incessant and unlawful interference, which severly restricts my ability to operate and to enjoy my licensed amateur radio priviledges in peace.

Attending document includes an e-mail sent to me from the RFI Technician Mr. Who (MAN) Who investigated my RFI complaints. Included below is Mr. Militarians business e-mail address, mailing address, and phone

numbers.

Business Address: MANNAGERON, IR-RFI Tech, Alliant Energy, MANNAGER Ames, IOWA, 50014

Business e-mail: With Hills and the Private And Health Com Business Phones: Wie Band House and Health Healt

WANTENDER (professional electric wheelchair technician) telephone number.

Perry, lowa Police Department telephone number. White Alans.
Officers White and White Accompanied me on my last visit to the Whitmer residence at my request in order to keep the peace. They both witnessed the events that occurred on the morning of September 20, 2007 at the Whitmer residence, and they can attest to the accuracy of the narrative of this complaint concerning that event.

Mr. Whitmer's address and telephone and cell phone numbers.
Wayne Whitmer
WHATER HE.
Parry, lowa Communications

Complainant address and telephone and cell phone numbers.

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Respectfully submitted,

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