

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
)
)
CHAMPION COMMUNICATIONS
SERVICES, INC.
)
)
Licensee of Business Radio Service Station
KNQ284, Fremont, California
)

ORDER

Adopted: July 14, 2000

Released: July 20, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. In this Order, we notify Champion Communication Services, Inc. ("Champion"), licensee of Business Radio Service Station KNQ284, Fremont, CA, of our intention to modify its license for Station KNQ284 to specify a reduction of its authorized loading from ninety to seventy-three mobile units. For the reasons discussed herein, we take this action in order to permit the reinstatement of a license on the same frequency pair to another entity, Sagara Farms, Inc. ("Sagara Farms").

2. Background. On January 21, 1993, Sagara Farms was authorized to operate Special Industrial Service Station WAC900, Esparto, CA, with up to seventeen mobile units on the frequency pair 489.4875/492.4875 MHz. On February 9, 1998, we granted an application (FCC File No. 9712D098769) for consent to the assignment of the license for Station WAC900 from Sagara Farms to Champion. The application was purportedly signed on behalf of Sagara Farms by an individual named "Dale Sagara." An Enforcement Bureau investigation reveals, however, that while Dale Sagara has a familial relationship with the principals of Sagara Farms, he was, at the time the application was filed, neither a principal of Sagara Farms nor authorized to sign the assignment application on behalf of Sagara Farms. Subsequently, Champion acquired the right to operate the other seventy-three mobiles available on this frequency pair, giving it exclusive use of the channel.

3. Discussion. Although Champion maintains that it acted at all times in the good faith belief that Dale Sagara had the authority to sign the assignment application on behalf of Sagara Farms, Champion now concedes that the application was signed by an unauthorized person. Therefore, it was defective when filed and improperly granted. Indeed, Champion represents that it would be in the public interest to modify its license as necessary to reinstate the Sagara Farms license.

1 See 47 C.F.R. § 90.313.

2 Letter from David Terman, President of Champion Communications Services, Inc. to William Knowles Kellett (sic), FCC, dated May 1, 2000.

3 Id.

4. We believe the public interest would be served by reinstating Sagara Farms' license for Station WAC900. Sagara Farms has made an undisputed showing that it never authorized the assignment of its license for Station WAC900, and that the person who purportedly signed the application on its behalf had no authority to do so. Champion, the entity to whom the Sagara Farms license was improperly assigned, agrees that it is appropriate, under the circumstances, to reinstate the license for Station WAC900 to Sagara Farms. Such reinstatement requires us to modify Champion's license for Station KNQ284 by reducing its authorized loading from ninety mobile units to seventy-three mobile units at its Big Rock site.⁴

5. In accordance with Section 1.87(a) of the Commission's rules, 47 C.F.R. § 1.87(a), we will not issue a modification order until Champion has received notice of this proposed action and has had an opportunity to interpose a protest.⁵ To protest the modification, Champion must, within 30 days of the release date of this Order, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Copies of the filing should be directed to the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, FCC, 445 12th Street, S.W., Washington, D.C. 20554 and to Sagara Farms, Inc. P.O. Box 425, Esparto, CA 95627. If no protest is filed, the right to protest will be deemed to have been waived, and Champion will be deemed to have consented to the modification.

6. Accordingly, IT IS PROPOSED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for Private Land Mobile Radio Services Station KNQ284, held by Champion Communication Services, Inc., WILL BE MODIFIED to reduce its authorized loading to seventy-three mobile units.

7. IT IS FURTHER ORDERED that this Order shall be sent by certified mail, return receipt requested, to Champion Communications Services, Inc. 1610 Woodstead Court, Suite 330, The Woodlands, TX 77380 and to Sagara Farms, Inc. P.O. Box 425, Esparto, CA 95627.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁴ Champion also operates Station KNQ284 from another site that is 65.38 miles from the Sagara Farms transmitter site. Champion's continued operation of this site is permissible because it is unlikely to cause harmful interference to Sagara Farms.

⁵ 47 C.F.R. § 1.87(a).