

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

In the Matter of)
)
SCHROEDER MANATEE RANCH)
) File No. A027584
Request by Florida Power & Light Company to)
Set Aside Authorization for Industrial/Business)
Frequencies for Station WPLZ320, Bradenton,)
Florida)

ORDER

Adopted: March 27, 2000

Released: March 29, 2000

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

1. Introduction. In this Order, we address a Petition for Reconsideration filed by Florida Power & Light Company (FPL) requesting reconsideration of the action of the Public Safety and Private Wireless Division (Division), Licensing and Technical Analysis Branch (Branch) authorizing Schroeder Manatee Ranch (Schroeder Manatee), licensee of Industrial/Business Station WPLZ320, Bradenton, Florida, to operate on frequency pair 451.750/456.750 MHz. For the reasons given herein, we deny FPL's Petition.

2. Background. On March 30, 1999, Schroeder Manatee was granted authorization to use Industrial/Business Pool frequency pair 451.750/456.750 MHz, under Call Sign WPLZ320, Bradenton, Florida. Schroeder Manatee's request had been coordinated by the Personal Communications Industry Association. FPL, an electric utility, is authorized to use the same frequency pair under Call Sign WNPM717, Bradenton, Florida, approximately twelve miles from Schroeder Manatee's transmitter. FPL states that it uses the channel for essential communications for service repairs and switch routing. It reports that it is incurring "harmful interference" from Schroeder Manatee's operations in that it is having difficulty accessing 451.750/456.750 MHz due to the additional load that Schroeder Manatee has placed on the channel. FPL alleges that the close geographic spacing demonstrates that an improper frequency coordination occurred and that the frequency should not have been authorized to Schroeder Manatee. FPL also states that discussions between Schroeder Manatee and FPL have taken place and Schroeder

1 Petition for Reconsideration of License Grant, filed April 21, 1999 (Petition) at 5. On July 2, 1999, FPL filed a Request for Leave to File Supplement to the Petition for Reconsideration of License Grant (Supplemental Filing). Because the Supplemental Filing addresses events occurring after (or very shortly before) the Petition was filed, we will grant FPL's request and accept the Supplemental Filing. See 47 C.F.R. § 1.106(f) (leave required to file supplement more than thirty days after the action of which reconsideration is sought).

2 Petition at 2.

3 Id. at 2-3.

4 Id. at 3-4.

Manatee is willing to switch to another frequency,⁵ but no suitable frequency is available.⁶ On April 21, 1999, FPL filed its Petition for Reconsideration.

3. *Discussion.* Section 90.173 of the Commission's Rules states that private land mobile radio frequencies in the 450-470 MHz band are available on a shared basis and will not be assigned for the exclusive use of any licensee.⁷ There are no provisions in the Commission's Rules concerning mileage separation or loading criteria for frequencies below 470 MHz. Therefore, we do not believe that any overlap between FPL's and Schroeder Manatee's coverage areas is necessarily evidence of improper coordination or licensing.⁸ We find that the record in this proceeding is devoid of evidence that the subject license grant is inconsistent with or violative of the Commission's Rules. Thus, we conclude that the record in this proceeding supports the Branch's decision allowing FPL and Schroeder Manatee to share the subject frequency.⁹

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 1.106, 90.173, and 90.403 of the Commission's Rules, 47 C.F.R. §§ 1.106, 90.173, and 90.403, the Petition for Reconsideration filed by Florida Power & Light Company on April 21, 1999, to set aside the authorization of Schroeder Manatee Ranch to use frequency pair 451.750/456.750 MHz at Industrial/Business Station WPLZ320, Bradenton, Florida IS DENIED.

5. IT IS FURTHER ORDERED that the Request for Leave to File Supplement, filed by Florida Power & Light Company on July 2, 1999, IS GRANTED.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ *Id.* at 4.

⁶ *Id.*; Supplemental Filing at 2.

⁷ 47 C.F.R. § 90.173(a).

⁸ *See, e. g.*, Douglas R. Thompson d/b/a Cara Enterprises, *Memorandum Opinion and Order*, DA 00-272, ¶ 9 (WTB PSPWD rel. Feb. 14, 2000).

⁹ Section 90.173 provides that licensees shall cooperate in the use of frequencies in order to reduce interference and to make the most efficient use of the spectrum authorized, and that licensees of stations suffering or causing harmful interference are expected to cooperate and to resolve the problem of interference by mutually satisfactory arrangements. 47 C.F.R. 90.173(b). Section 90.403 contains operating requirements, such as restriction of transmissions to the minimum practicable transmission time and monitoring of the transmitting frequency for communications in progress. 47 C.F.R. § 90.403.