

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

In the Matter of)
)
ATLANTIC TELECOMMUNICATIONS, INC.) FCC File No. A048701
)
Application for Authority to Operate a)
Private Land Mobile Radio Station)
in the 470-512 MHz band)

ORDER ON RECONSIDERATION

Adopted: February 2, 2001

Released: February 6, 2001

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

I. INTRODUCTION

1. On April 27, 2000, Atlantic Telecommunications, Inc. (Atlantic Telecom) filed a Petition for Reconsideration (Petition)¹ of the March 30, 2000, grant of the captioned application by the Chief, Licensing and Technical Analysis Branch (Branch), Public Safety and Private Wireless Division.² Atlantic Telecom requests reconsideration of the March 30, 2000, grant because it considers the Branch's action to be a partial grant of the captioned application. For the reasons set forth below, we grant the Petition in part and otherwise deny it.

II. BACKGROUND

2. On December 17, 1999, Atlantic Telecom submitted the captioned application for a channel in the 470-512 MHz "UHF-TV Sharing" band³ to the Personal Communications Industry Association (PCIA).⁴ On December 28, 1999, PCIA submitted the application to the Commission along with its recommendation⁵ for grant of an authorization for four proposed transmitter sites.⁶ On March 30, 2000, the Branch granted the captioned application and issued Atlantic Telecom a license for Station WPPZ512 authorizing operation from two of the four proposed sites (namely – Brooming Grove, New York, and Holbrook, New York).

¹ Petition for Reconsideration filed by Atlantic Telecommunications, Inc. on April 27, 2000.

² See Radio Station License, call Sign WPPZ512 issued April 2000 (Petition, Attachment 3).

³ Frequencies in the 470-512 MHz band, normally assigned to UHF television channels 14 through 20, were made available for land mobile use in eleven cities in the "UHF-TV Sharing" proceeding. See, e.g., Land Mobile Use of TV Channels 14 through 20, Docket No. 18261, *Report and Order*, 23 FCC 2d 325 (1970). Subpart L of Part 90 of the Commission's Rules governs applications and licensing of private land mobile stations in this band.

⁴ PCIA is a Commission certified frequency coordinator for the Industrial/Business Pool.

⁵ See Petition at 1 and Attachment 2 (PCIA Frequency Recommendation Notice No. 993540526).

⁶ The four requested sites are Brooming Grove, New York (Brooming Grove Site); Bud Lake, New Jersey (Bud Lake Site); Clark, New Jersey (Clark Site); and Holbrook, New York (Holbrook Site).

3. On April 27, 2000, Atlantic Telecom filed the Petition. In the Petition, Atlantic Telecom implies that the omission of the other two requested sites (Bud Lake, New Jersey, and Clark, New Jersey) was purely an administrative error.⁷ Accordingly, Atlantic Telecom requests that we supersede the March 30, 2000, grant to modify the license to list all four of the sites specified in the captioned application and PCIA's recommendation.⁸

III. DISCUSSION

4. *The Clark Site.* We first note that Atlantic Telecom timely filed the instant petition for reconsideration of the Branch's March 30, 2000, action. Based on the Petition, we are persuaded that the captioned application requested authorization to operate at the Clark Site and that PCIA certified this request. Hence, we are granting the Petition as to the Clark Site.
5. *The Bud Lake Site.* Based on our review of the record in this proceeding, we find no error with the Branch's action on the captioned application as to the Bud Lake, New Jersey site. Section 90.307(d) of the Commission's Rules requires a minimum distance of 145 km (90 mi) between base stations and adjacent channel broadcast television stations.⁹ In this case, the Bud Lake Site is 99.20 km (61.65 mi) from adjacent channel Television Station WNEP. The Commission's Rules also provide maximum power emission standards to protect co-channel television stations from land mobile radio operations.¹⁰ Specifically, Section 90.309 requires that a television station be afforded 40 dB protection from land mobile radio operations.¹¹ The Bud Lake Site is located 158.5 km (99 mi) from co-channel Television Station WLYH-TV in Harrisburg, Pennsylvania, and the captioned application requested 217 watts ERP. These values exceed the power for the antenna height above average terrain and co-channel separation criteria contained in Sections 90.307 and 90.309 of our Rules.¹² We further note that the captioned application included neither a request for waiver of the Commission's Rules nor "short spacing" agreements with the aforementioned television stations. Accordingly, we affirm the Branch's action on the captioned application as to the Bud Lake Site.

IV. ORDERING CLAUSES

6. 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 Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, the Petition for Reconsideration submitted by Atlantic Telecommunications, Inc. on April 27, 2000 IS GRANTED IN PART, to the extent indicated above, and IS OTHERWISE DENIED.
7. IT IS FURTHER ORDERED that the Chief, Licensing and Technical Analysis Branch, Public Safety and Private Wireless Division, SHALL ISSUE a superseding license for Station WPPZ512 that is consistent with the Commission's Rules and the instant Order.

⁷ See Petition at 2.

⁸ *Id.*

⁹ 47 C.F.R. § 90.307(d). The Commission prohibits mobile station operation within 60 miles of an adjacent-channel television station located closer than the minimum mileage separation requirement. See Private Land Mobile Operations in the 470-512 MHz Band, *Public Notice*, Report No. 20291 (Oct. 22, 1991).

¹⁰ 47 C.F.R. §§ 90.307(b), 309(a), (b)(Figure B).

¹¹ *Id.*

¹² See 47 C.F.R. §§ 90.307, 90.309.

8. 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