

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

In the Matter of)
INDUSTRIAL TELECOMMUNICATIONS)
ASSOCIATION, INC.)
Petition to Set Aside Grant of Application of)
Comserv Consulting Services for New)
Industrial/Business Private Land Mobile Radio)
Station at Memphis, Tennessee)
And)
COMSERV CONSULTING SERVICES)
Licensee of Trunked Industrial/Business Pool)
Radio Service Station WPRH220, Memphis,)
Tennessee)

ORDER OF MODIFICATION

Adopted: January 10, 2002

Released: January 14, 2002

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

1. Introduction. In this Order of Modification, we modify the license for Private Land Mobile Radio Station WPRH220, Memphis, Tennessee, held by Comserv Consulting Services (Comserv). Specifically, we modify Comserv's license by reducing the authorized effective radiated power (ERP) of operation on frequencies 452.1375 MHz, 452.2875 MHz and 452.6675 MHz from twenty watts to ten watts. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Comserv's license.

2. Background. In the Modification Proposal Order, based upon our analysis, we concluded that a Comserv application, the grant of which resulted in issuance of the subject license for Station WPRH220, should not have been coordinated because the proposed operations did not provide the requisite interference protection to the radio operations of Racing Radio, Mesaba Aviation, Inc. and Leading Edge Trust. We found that initiation of revocation proceedings against Comserv's station was unnecessary in this matter because the Personal Communications Industry Association (PCIA) proposed changes to the Comserv license designed to eliminate interference to the earlier-licensed stations. As a result, we proposed to modify Comserv's license pursuant to Section 316 of the Communications Act of 1934, as

1 See Comserv Consulting Services, Memorandum Opinion and Order, 16 FCC Rcd 15424 (WTB PSPWD 2001) (Modification Proposal Order).

2 Id. at 15427 ¶ 8.

3 Id.

amended,⁴ by lowering the authorized operating ERP of frequencies 452.1375 MHz, 452.2875 MHz and 452.6675 MHz from twenty watts to ten watts.⁵ In this connection, we tentatively concluded that the proposed modification would serve the public interest by preserving the existing coverage areas of affected parties and preventing harmful interference, while not unduly disrupting Comserv's operations.

3. *Discussion.* A copy of the *Modification Proposal Order* was sent by certified mail, return receipt requested to Comserv with the requirement that any protest thereto be submitted within thirty days of its receipt.⁶ Comserv received the *Modification Proposal Order* on September 20, 2001. Comserv did not protest the proposed modification of its license within the requisite time frame.⁷ Therefore, Comserv is deemed to have consented to the proposed modification.⁸ Based on the record in this matter, we conclude that it would be in the public interest to modify Comserv's license by lowering the operating ERP on frequencies 452.1375 MHz, 452.2875 MHz and 452.6675 MHz for Station WPRH220, Memphis, Tennessee from twenty watts to ten watts.⁹

4. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Station WPRH220 held by Comserv Consulting Services IS MODIFIED effective thirty days from the release of this *Order of Modification* by lowering the ERP on frequencies 452.1375 MHz, 452.2875 MHz and 452.6675 MHz from twenty watts to ten watts on the authorization.

5. IT IS FURTHER ORDERED that this *Memorandum Opinion and Order* shall be sent by certified mail, return receipt requested to Comserv Consulting Services, 895 North White Station Road, Memphis, TN 38122, and to counsel for Comserv, Russell Taylor, Esq., Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20004.

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

⁴ 47 U.S.C. § 316.

⁵ 47 U.S.C. § 316(a). Section 316(a) requires that we notify the affected station(s) of the proposed modification(s), the public interest reasons for the action, and afford at least 30 days to respond.

⁶ 47 C.F.R. § 1.87(a).

⁷ 47 C.F.R. § 1.87(g)(1).

⁸ 47 C.F.R. § 1.87(h); *see also Modification Proposal Order*, 16 FCC Rcd at 15427 ¶ 9.

⁹ 47 C.F.R. § 1.87(i).