

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

In the Matter of)
)
INDUSTRIAL TELECOMMUNICATIONS)
ASSOCIATION, INC.)
Request to Initiate Proceeding to Revoke or)
Modify the License for Station WPIZ793)
)
PERSONAL COMMUNICATIONS INDUSTRY)
ASSOCIATION, INC.)
Request to Correct License for Station WPIZ793)
)
and)
)
WINGS STADIUM MANAGEMENT)
Licensee of Private Land Mobile Radio Service)
Industrial/Business Pool Station WPIZ793,)
Kalamazoo, Michigan)

ORDER OF MODIFICATION

Adopted: July 29, 2003

Released: July 31, 2003

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 (PLMR) service Industrial/Business Pool Station WPIZ793, Kalamazoo, Michigan. Specifically, we modify Wings Stadium Management's (WSM) license by replacing frequency 151.8600 MHz with frequency 151.8650 MHz. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify WSM's license.¹

2. *Background.* It has come to our attention that the above-captioned authorization issued to WSM contains a frequency outside of the Industrial/Business Pool. Based on the information before us, we believe the inclusion of such frequency on the license for Conventional Industrial/Business Pool Station WPIZ793, Kalamazoo, Michigan to be a typographical error. In the *MO&O*, based upon our analysis, we concluded that the December 7, 1995 grant for Station WPIZ793 was defective because it authorized operation on invalid frequency 151.8600 MHz.² There is no allocation for the frequency in either PLMR frequency pool.³ As a result, we proposed to modify WSM's license pursuant to Section

¹ See Wings Stadium Management, *Memorandum Opinion and Order*, DA 03-1146 (WTB PSPWD rel. April 16, 2003) (*MO&O*).

² See *MO&O*, at ¶ 9.

³ The PLMR frequency pools are the Industrial/Business Pool and the Public Safety Pool. See 47 C.F.R. §§ 90.20, 90.35.

316 of the Communications Act of 1934, as amended,⁴ by replacing frequency 151.8600 MHz with frequency 151.8650 MHz.

3. *Discussion.* A copy of the *MO&O* was sent to WSM with the requirement that any protest thereto be submitted within thirty days of its receipt.⁵ WSM did not protest the proposed modification of its license within the requisite time frame.⁶ Therefore, WSM is deemed to have consented to the proposed modification.⁷ Based on the record in this matter, we conclude that it would be in the public interest to modify WSM's license by replacing frequency 151.8600 MHz with frequency 151.8650 MHz.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for private land mobile radio service Station WPIZ793, Kalamazoo, Michigan, held by Wings Stadium Management, BE MODIFIED by replacing frequency 151.8600 MHz with frequency 151.8650 MHz.

5. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to Wings Stadium Management, 3600 Van Rick Dr., Kalamazoo, MI 49001, Attn: Mr. Paul Pickard.

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 See 47 C.F.R. § 1.87(a).

⁶ See 47 C.F.R. § 1.87(g)(1).

⁷ See 47 C.F.R. § 1.87(h); see also *MO&O*, 18 FCC Rcd at 2579 ¶ 5.