



Federal Communications Commission  
Washington, D.C. 20554

December 12, 2006

DA 06-2494

National Science and Technology Network, Inc.  
P.O. Box 250013  
Los Angeles, CA 90025  
Attn: Ted S. Henry

RE: Sunline Transit Agency, Station WPZY383, Riverside, California;  
FCC File No. 0001519120

Dear Mr. Henry:

This letter responds to the informal petition filed by National Science and Technology, Inc. (NSTN) on or about December 8, 2003. NSTN requested that frequency pair 452/457.625 be deleted from the above-referenced application of Sunline Transit Agency (Sunline Transit).<sup>1</sup> For the reasons set forth below, the Petition is denied.

By way of background, Sunline Transit's application to operate on several frequency pairs at three locations in Southern California was filed on November 18, 2003, and granted on April 8, 2004 under Call Sign WPZY383.<sup>2</sup> Station WPZY383 is authorized to operate on, *inter alia*, frequency pair 452/457.625 MHz at White Mountain, Riverside, California, co-channel with NSTN's Station WPMJ456, Santiago Peak, Corona, California. NSTN's station is authorized to operate in the FB6 decentralized trunked mode.<sup>3</sup>

NSTN argued in its informal petition that the coordination of Sunline Transit's application was defective, in that Sunline Transit's proposed use of frequency pair 452/457.625 MHz required the concurrence of all potentially affected co-channel licensees.<sup>4</sup> On May 23, 2006, the Public Safety and

---

<sup>1</sup> See Letter dated Dec. 8, 2003 from Ted S. Henry, President, NSTN, to Mary Shultz, FCC-Gettysburg (Petition).

<sup>2</sup> FCC File No. 0001519120 (filed Nov. 18, 2003, amended Apr. 6, 2004).

<sup>3</sup> In an FB8 (or centralized trunked) system, the base station controller provides dynamic channel assignments, automatically searching all channels in the system for, and assigning to a user, an open channel within that system. In an FB6 (or decentralized trunked) system, which is also a system of dynamic channel assignment, the system continually monitors the assigned channels for activity both within the trunked system and outside the trunked system, and transmits only when an open channel is found. Station WPMJ456 originally was authorized to operate in the FB8 centralized trunked mode, but the license was modified to FB6 status before Sunline Transit's application was filed. See National Science and Technology Network, Inc., *Order of Modification*, 18 FCC Rcd 11321 (WTB PSPWD 2003), *aff'd*, National Science and Technology Network, Inc., *Order on Reconsideration*, 21 FCC Rcd 9050 (WTB PSCID 2006).

<sup>4</sup> See Petition at 1.

Critical Infrastructure Division<sup>5</sup> requested that the Enterprise Wireless Alliance (EWA) demonstrate the sufficiency of the frequency coordination<sup>6</sup> conducted for Sunline Transit's application.<sup>7</sup> On June 22, 2006, EWA responded that its examination revealed that the certification was made in compliance with Section 90.187(b) of the Commission's Rules.<sup>8</sup>

Based on our review and analysis of the information before us, we find that grant of the requested relief is not warranted under the circumstances presented. Section 90.187(b)(2)(v) provides, in relevant part, that "[a] new applicant whose interference contour overlaps the service contour of a trunked licensee will be assigned the same channel as the trunked licensee only if the trunked licensee consents in writing and a copy of the written consent is submitted to the certified frequency coordinator responsible for coordination of the application."<sup>9</sup> We agree with EWA,<sup>10</sup> however, that the requirements of Section 90.187 apply only to applicants for centralized trunked systems.<sup>11</sup> Because neither Station WPZY383 nor Station WPMJ456 operates in a centralized trunked mode or is involved in FB8 operations, the concurrence and contour separation requirements of Section 90.187(b)(2) are inapplicable. Based on this analysis, we conclude that the frequency coordination of Sunline Transit's application was proper. We therefore deny NSTN's informal petition for removal of channel pair 452/457.625 from Sunline Transit's application FCC File No. 0001519120.

---

<sup>5</sup> Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. *See* Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

<sup>6</sup> Sunline Transit's application was coordinated by the Industrial Telecommunications Association, Inc. (ITA). *See* ITA Frequency Coordination No. 2003111310256. ITA subsequently consolidated its operations into EWA. *See* Mark E. Crosby, *Letter*, 20 FCC Rcd 8552 (WTB PSCID 2005).

<sup>7</sup> Letter dated May 23, 2006 from Scot Stone, Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, to Enterprise Wireless Association.

<sup>8</sup> Letter dated June 22, 2006 from Andre F. Cote, Senior Vice President, EWA, to Andra Cunningham, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau (EWA Response).

<sup>9</sup> 47 C.F.R. § 90.187(b)(2)(v).

<sup>10</sup> *See* EWA Response at 1.

<sup>11</sup> *See* 1998 Biennial Regulatory Review -- 47 C.F.R. Part 90 -- Private Land Mobile Radio Services, *Notice of Proposed Rulemaking*, WT Docket No. 98-182, 13 FCC Rcd 21133, 21141-42 ¶ 23 (1998) ("Commission staff have received informal inquiries regarding the applicability of Section 90.187 for decentralized trunked systems. . . . In a decentralized trunked system, which is also a system of dynamic channel assignment, the mobile units continually monitor the system's assigned channels until an unused channel is found. This channel is then utilized for communications. This type of dynamic channel assignment is not trunking in the traditional sense because the system does not require repeaters specifically designed for trunked operations. Decentralized trunking has always been permitted because the monitoring feature enables a decentralized trunked system to be used on shared frequencies. We conclude, therefore, that Section 90.187 applies only to centralized trunked systems.") (footnotes omitted).

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.187(b) of the Commission's Rules, 47 C.F.R. § 90.187(b), the informal petition filed by National Science and Technology Network, Inc. on December 8, 2003 IS DENIED.

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

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

cc: Sunline Transit Agency  
32505 Harry Oliver Trail  
Thousand Palms, CA 92276  
Attn: George Earl

Anderson Communications  
41905 Boardwalk, Suite P  
Palm Desert, CA 90026  
Attn: Barney Patterson

Enterprise Wireless Alliance  
8484 Westpark Drive, Suite 630  
McLean, VA 22102  
Attn: Andre F. Cote, Senior Vice President