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

Licensee of Industrial/Business Pool (IG) Station WPZC367 at Las Vegas, Nevada)
GENWEST LLC))
In the Matter of)

Adopted: March 29, 2007 Released: March 30, 2007

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- In this Order of Modification, we modify the authorization of 1. Introduction. Industrial/Business Pool Private Land Mobile Radio Station WPZC367, licensed to Genwest LLC (Genwest) by reducing the maximum authorized power on frequency 452.3125 MHz from six watts to four watts. As explained below, we take this action pursuant to an earlier order proposing to modify Genwest's license.1
- Background. The license for Station WPZC367, North Las Vegas, Nevada authorizes Genwest to operate mobile units on several UHF frequencies, including 452.3125 MHz. The license was initially granted on December 24, 2003. On December 9, 2004, the Commission granted Genwest's modification application to increase power from two to six watts.² The application was coordinated by the Industrial Telecommunications Association, Inc. (ITA).³ Station WPZC367 is co-channel on frequency 452.3125 MHz to Station WPRJ763, Good Springs, Nevada, authorized to Jose N. Francis (Francis). Francis's station has been authorized to operate in the "FB8" trunked mode on frequency 452.3125 MHz since October 17, 2000. On December 27, 2004, Francis filed a petition requesting that frequency 452.3125 MHz be removed from the authorization for Station WPZC367 because Francis believes that Genwest's modification application was granted in violation of Section 90.187 of our Rules, and Genwest's operations are causing harmful interference to Station WPRJ763.⁴
- Section 90.187(b)(2)(v) of the Commission's Rules state 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."⁵
 - 4. On June 5, 2006, the Wireless Telecommunications Bureau's Public Safety and Critical

¹ See Genwest LLC, Order Proposing Modification, 21 FCC Rcd 6358 (WTB PSCID 2006) (Order Proposing Modification).

² FCC File No. 0001878463.

³ ITA Frequency Coordination No. 20041130112439.

⁴ See Petition to Delete Frequency 452.3125 MHz from Station WPZC367, filed by Jose N. Francis on December 27, 2004.

⁵ 47 C.F.R. § 90.187(b)(2)(v).

Infrastructure Division (Division)⁶ sent a letter to the Enterprise Wireless Alliance (EWA),⁷ with copies to Genwest and Francis, regarding Francis's request.⁸ EWA responded that it believed that the Genwest modification application was coordinated in accordance with Commission rules and long-standing frequency coordination practices, but that Francis's complaint could be resolved by, *inter alia*, reducing Genwest's maximum authorized power on frequency 452.3125 MHz from six to four watts.⁹ Consequently, we proposed to modify the license for Station WPZC367 by reducing the maximum authorized power on frequency 452.3125 MHz from six to four watts.¹⁰

- 5. Discussion. The Order Proposing Modification was released on January 29, 2007. Genwest did not protest the proposed modification of its license within the requisite thirty-day time frame. Accordingly, Genwest is deemed to have consented to the proposed modification. Based on the record before us, we conclude that it is in the pubic interest to modify Genwest's station license for WPZC367 by reducing the maximum authorized power on frequency 452.3125 MHz from six watts to four watts.
- 6. Conclusion and Ordering Clauses. Accordingly, IT IS ORDERED that, 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 Commission's Rules, 47 C.F.R. § 1.87, the license for Industrial/Business Pool Station WPZC367 BE MODIFIED by reducing the maximum authorized power on frequency 452.3125 MHz from six watts to four watts.
- 7. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested, to Genwest, LLC, 1511 Apex Industrial Parkway, North Las Vegas, NV 89124.
- 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 COMMUNICATION COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

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⁶ Pursuant to a 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).

⁷ Subsequent to the coordination of the application at issue, ITA consolidated its operations with EWA. *See* Mark E. Crosby, *Letter*, 20 FCC Rcd 8552 (WTB PSCID 2005).

⁸ Letter dated June 5, 2005, from Scot Stone, Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, to Enterprise Wireless Alliance.

⁹ See Letter dated January 17, 2006, from Andre Cote, Senior Vice President, Enterprise Wireless Alliance to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission.

¹⁰ See Order Proposing Modification, 21 FCC Rcd at 6359 \P 5. We concluded that the power reduction would not unduly disrupt Genwest's operations. *Id.*

¹¹ See 47 C.F.R. § 1.87(g)(1).

¹² See 47 C.F.R. § 1.87(h).