

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

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

ORDER PROPOSING MODIFICATION

Adopted: January 26, 2007

Released: January 29, 2007

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

1. *Introduction.* On December 27, 2004, Jose N. Francis (Francis)¹ requested that the Commission delete frequency 452.3125 MHz from the authorization for Industrial/Business Pool Station WPZC367, Las Vegas, Nevada. For the reasons set forth below, we initiate a proceeding to modify the license for Station WPZC367, Las Vegas, Nevada, by reducing the maximum authorized power on that frequency from six to four watts.

2. *Background.* The license for Station WPZC367, North Las Vegas, Nevada authorizes Genwest LLC (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 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.

3. Section 90.187(b)(2)(v) of the Commission’s Rules states 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.”⁴ For UHF stations, the 39 dBu contour is the service contour, while the 21 dBu contour is the interfering contour.⁵

¹ See Petition to Delete Frequency 452.3125 MHz from Station WPZC367, filed by Jose N. Francis on December 27, 2004.

² FCC File No. 0001878463.

³ ITA Frequency Coordination No. 20041130112439.

⁴ 47 C.F.R. § 90.187(b)(2)(v).

⁵ 47 C.F.R. § 90.187(b)(2)(iii).

4. On June 5, 2006, the Wireless Telecommunications Bureau's Public Safety and Critical 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 believes 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

5. *Discussion.* We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.¹⁰ Section 316(a)(1) permits the Commission to modify a station license if the action will promote public interest, convenience, and necessity.¹¹ In this connection, we note that reducing the mobile power from six to four watts on Genwest's license for Station WPZC367 should not unduly disrupt Genwest's operations. Thus, based on the record before us, we conclude that it is in the public interest to modify Genwest's station license for Station WPZC367 by reducing the mobile power from six to four watts.

6. *Conclusion and Ordering Clauses.* For the reasons stated above, we propose to modify Genwest's license for Station WPZC367 by reducing the maximum authorized power on frequency 452.3125 MHz from six to four watts.

7. 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 1.41 of Commission's Rules, 47 C.F.R. § 1.41, the petition to delete frequency request submitted by Jose N. Francis on December 27, 2004 IS GRANTED to the extent indicated above.

8. IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of Commission's Rules, 47 C.F.R. § 1.87, that the license for Industrial/Business Pool Station WPZC367 held by Genwest, LLC BE MODIFIED by reducing the maximum authorized power on frequency 452.3125 MHz from six to four watts.

9. IT IS FURTHER ORDERED that this *Order Proposing Modification* SHALL BE SENT by certified mail, return receipt requested, to Genwest, LLC 1511 Apex Industrial Parkway, North Las Vegas, Nevada 89124.

⁶ 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).

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 Letter dated January 17, 2007, from Andre Cote, Senior Vice President, Enterprise Wireless Alliance to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission.

¹⁰ 47 U.S.C. § 316(a)(1).

¹¹ *Id.*

10. 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