



Federal Communications Commission
Washington, D.C. 20554

July 20, 2007

DA 07-3326

Mary C. Hernandez
California Portland Cement Company
2025 E. Financial Way
Glendora, CA 91741

Re: NNS Inc. dba AAA Yellow Cab, Station KMA572, Claremont, California
FCC File No. 0002795572

Dear Ms. Hernandez:

This letter refers to the pleading that you filed on February 8, 2007 on behalf of California Portland Cement Company (CPCC). CPCC opposes the above-referenced application¹ filed by NNS Inc. dba AAA Yellow Cab (Yellow Cab).² For the reasons set forth below, we deny the petition filed by CPCC. Nonetheless, we encourage the Enterprise Wireless Alliance (EWA), the frequency coordinator involved here,³ to consider whether there are alternative frequencies available that would alleviate the potential for harmful interference between Yellow Cab's Station KMA572, Claremont, California, and CPCC's Station WPPW912, Montrose, California.

CPCC's license for Station WPPW912 authorizes operation on, *inter alia*, frequency pair 452/457.975 MHz. On October 25, 2006, Yellow Cab filed an application to modify its license for Station KMA572 to authorize use of frequency pair 452/457.975 MHz at Sunset Ridge, approximately thirty-one miles from CPCC's station. On February 8, 2007, CPCC filed an objection to the modification application, on the grounds that Yellow Cab's continuous transmission of data on frequency pair 452/457.975 MHz, which Yellow Cab had commenced as permitted by Section 90.159(b) of the Commission's Rules,⁴ was interfering with CPCC's co-channel operations. On March 30, 2007, Yellow Cab responded to CPCC's petition.⁵

We conclude that the informal petition to deny the modification application should be denied. We concur with Yellow Cab's assertion that frequency pair 452/457.975 MHz is available for shared use and will not be assigned for the exclusive use of any licensee.⁶ We expect licensees to cooperate in the

¹ FCC File No. 0002795572 (filed Oct. 25, 2006; amended Oct. 27, 2006, Nov. 27, 2006, Apr. 13, 2007, and Apr. 16, 2007).

² See Letter from Mary C. Hernandez, Vice President, Communications and Information Services, California Portland Cement Company to Federal Communications Commission (dated Feb. 8, 2007).

³ Frequency coordination numbers 20060928154756 and 20070416115505.

⁴ 47 C.F.R. § 90.159(b) (permitting conditional operation pursuant to coordinated applications).

⁵ See Letter from Mesfin Shawel, President, NNS Inc. dba AAA Yellow Cab to Marlene H. Dortch, Secretary, Federal Communications Commission (received Mar. 30, 2007) (Opposition).

⁶ See 47 C.F.R. § 90.173(a).

use of these frequencies.⁷ Consequently, we deny the informal petition. Nonetheless, we recognize the potential for interference between co-channel stations within thirty-one miles of each other. Therefore, we encourage EWA to investigate whether Yellow Cab can use alternate frequencies that would alleviate the potential for harmful interference.⁸

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the informal petition filed on February 8, 2007 by California Portland Cement Company IS DENIED, and application FCC File No. 0002795572 SHALL BE PROCESSED consistent with this action and the Commission's Rules.

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


Scott Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

cc:
NNS Inc. dba Yellow Cab
Attn: Mesfin Shawell
739 E San Bernardino Rd
Covina, CA 91723

Enterprise Wireless Alliance
Attn: Frequency Coordination Department
8484 Westpark Drive, Suite 630
McLean, VA 22102

⁷ See C.F.R. § 90.173(b). Yellow Cab represents that it will monitor the frequency before transmitting, and otherwise cooperate to avoid harmful interference. See Opposition at 2.

⁸ See Ted S. Henry, *Letter*, 22 FCC Rcd 662, 663 (WTB MD 2007).