

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

In the Matter of)
)
FRED VETTER)
)
Licensee of Private Land Mobile Radio Station)
WPVZ929)

ORDER PROPOSING MODIFICATION

Adopted: July 29, 2010

Released: July 30, 2010

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

I. INTRODUCTION

1. By this *Order Proposing Modification*, we initiate a proceeding to modify the license of Fred Vetter (Vetter) for Private Land Mobile Radio (PLMR) Station WPVZ929 to change the station's frequencies as detailed below. We take this action in furtherance of ensuring compliance with Commission rules.

II. BACKGROUND

2. Vetter is the licensee of PLMR Station WPVZ929 in Bowling Green, Ohio, which is authorized to operate on the frequency pair 810.6125/855.6125 MHz. Under the provisions of the Commission's 800 MHz rebanding proceeding, Vetter must retune Station WPVZ929 from frequency pair 810.6125/855.6125 MHz to frequency pair 816.5125/861.5125 MHz at Sprint's expense.¹ Pursuant to the terms of Commission's 800 MHz *Second Report and Order*,² and the Implementation

¹ See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004); *Erratum*, WT Docket No. 02-55 (rel. Sep. 10, 2004); *Second Erratum*, 19 FCC Rcd 19651 (2004); *Third Erratum*, 19 FCC Rcd 21818 (2004) (*800 MHz Report and Order*); *Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120 (2004); *Erratum*, WT Docket No. 02-55 (rel. Jan. 19, 2005); *Memorandum Opinion and Order*, 20 FCC Rcd 16015 (2005); *Order*, 21 FCC Rcd 5503 (2006); *Second Memorandum Opinion and Order*, 22 FCC Rcd 10467 (2007); *Erratum*, WT Docket No. 02-55 (rel. July 26, 2007) (*800 MHz Second MO&O*); *Third Memorandum Opinion and Order*, 22 FCC Rcd 17209 (2007); *Second Report and Order*, 23 FCC Rcd 7605 (2008), *Erratum*, WT Docket No. 02-55 (rel. May 28, 2008) (*800 MHz Second Report and Order*); *Fourth Memorandum Opinion and Order*, 23 FCC Rcd 18512 (2008).

² *800 MHz Second Report and Order*, 23 FCC Rcd at 7619-21 ¶¶ 37-41.

Plan established by the 800 MHz Transition Administrator,³ Vetter was required to submit a cost estimate for this retuning by January 12, 2009.

3. In the *800 MHz Report and Order*, the Commission charged all parties with a duty to act in good faith and warned parties that failure to act in good faith could result in license modification and involuntary relocation.⁴ Despite repeated urging on the part of the 800 MHz Transition Administrator, to date Vetter has failed to provide either the requisite cost estimate to Sprint Nextel or to request additional time to complete planning from the Public Safety and Homeland Security Bureau.⁵

III. DISCUSSION

4. Based on the information before us, we conclude that Vetter has failed to act in good faith and that the license for Station WPVZ929 should be modified to remove its authorization to operate on frequency pair 810.6125/855.6125 MHz and add an authorization to operate on frequency pair 816.5125/861.5125 MHz.

5. In accordance with Section 1.87(a) of the Commission's Rules,⁶ we will refrain from issuing an order modifying Station WPVZ929 until Vetter has received this notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Vetter must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement which protests the proposed modification by demonstrating that it is not in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.⁷ In addition, please provide an electronic copy of any written statement to Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at Roberto.Mussenden@fcc.gov.

³ 800 MHz Transition Administrator, LLC, Implementation Plan and Timetable for the Reconfiguration of the 800 MHz Band in the U.S.-Canada Border Regions, WT Docket No. 02-55 (Oct. 1, 2008), *approved, Public Notice*, "Public Safety and Homeland Security Bureau Announces That the 30-Month Transition Period for 800 MHz Band Reconfiguration in Regions Along the U.S.-Canada Border Will Commence on October 14, 2008," 23 FCC Rcd 14877 (2008).

⁴ *800 MHz Report and Order*, 19 FCC Rcd at 15076-77 ¶ 201.

⁵ *See, e.g.*, Notice of Failure to Provide Cost Estimate, filed Feb 19, 2009 by the 800 MHz Transition Administrator.

⁶ 47 C.F.R. § 1.87(a).

⁷ Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

6. If no protest is filed, Vetter will have waived his right to protest the modification and will be deemed to have consented to the modification. The license for Station WPVZ929 will then be modified to remove its authorization to operate on frequency pair 810.6125/855.6125 MHz and add authorization to operate on frequency pair 816.5125/861.5125 MHz. All costs associated with relocating to the new frequency pair must be borne by Vetter.

V. ORDERING CLAUSES

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's rules, 47 C.F.R. § 1.87, that the license for Station WPVZ929 held by Fred Vetter, BE MODIFIED by removing the authorization to operate on frequency pair 810.6125/855.6125 MHz and adding the authorization to operate on frequency pair 816.5125/861.5125 MHz.

8. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Fred Vetter, 11440 Devils Hole Road, Bowling Green, Ohio 43402; and to Dana Daberko, Esq., Shulman, Rogers, Gandal, Pordy & Ecker, P.A., 13505 Park Potomac Avenue, 6th Floor, MD 20854.

9. 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