

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

In the Matter of )  
 )  
FELHC, INC. )  
 )  
Licensee of Private Land Mobile Radio Stations )  
WPOY909 )

**ORDER OF MODIFICATION**

**Adopted: August 17, 2010**

**Released: August 18, 2010**

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

**I. INTRODUCTION**

1. By this *Order of Modification*, we modify the license of FELHC, Inc. (FELHC) for Private Land Mobile Radio (PLMR) Station WPOY909 to add a condition limiting the Effective Radiated Power (ERP) in the direction of the border with Canada to 20 watts at the base station location authorized under this call sign. We take this action in furtherance of ensuring compliance with international obligations and the Commission's rules.

**II. BACKGROUND**

2. FELHC is licensed for PLMR Station WPOY909 in Erie County, Pennsylvania. Because Station WPOY909 operates in the 800 MHz band and is located within 140 kilometers of the border with Canada, it is subject to the provisions of the bilateral annex (Arrangement F) with Canada, which specifies the conditions under which 800 MHz PLMR stations may operate along the border.<sup>1</sup> Under Arrangement F, the ERP of stations in the border region is limited based on the height of the transmitting antenna. These power and antenna height limits are also reflected in Section 90.619(c)(2) of the Commission's Rules.<sup>2</sup>

3. In an *Order Proposing Modification* (OPM) released May 14, 2010, we proposed to reduce the ERP of base station location 1 licensed under Call Sign WPOY909.<sup>3</sup> The *OPM* proposed reducing the ERP of this base station location from forty watts to twenty watts ERP on one frequency to bring the base station into compliance with the ERP limits of Section 90.619 (c)(2) of the Commission's rules and Arrangement F on the frequency specified in the *OPM*.<sup>4</sup> FELHC was afforded thirty days to

<sup>1</sup> See Arrangement Between the Dept. of Communications of Canada and the FCC of the United States Concerning the Use Along the US-Canada Border of the Band 806-890 MHz (Jan. 1994), as modified by attachment to letter from Robert W. McCaugern, Deputy Director General, Spectrum Engineering to Mr. Bruce Franca, Deputy Chief Engineer, Office of Engineering and Technology, Federal Communications Commission (Dec. 9, 1994).

<sup>2</sup> 47 C.F.R. § 90.619(c)(2).

<sup>3</sup> See FELHC, Inc., *Order Proposing Modification*, 25 FCC Rcd 4988 (WTB MD 2010) (*OPM*).

<sup>4</sup> *Id.* at 4989 ¶ 4.

respond to the *OPM*.<sup>5</sup>

4. On June 10, 2010, FELHC filed a response to the *OPM* stating that base station location 1, in fact, operates in compliance with Section 90.619(c)(2) and Arrangement F and should not be modified.<sup>6</sup> Specifically, FELHC states that “the antenna in use has a 5 degree down-tilt, which means that the ERP [in the direction of] the border [with Canada] is 20 watts, rather than the 40 watts shown on the license.”<sup>7</sup>

### III. DISCUSSION

5. Based on the information provided by FELHC regarding the antenna down-tilt deployed at its base station, it appears that Station WPOY909 complies with Section 90.619(c)(2) and Arrangement F as currently configured. Consequently, rather than modifying base station location 1 as proposed in the *OPM*, we will add a condition to the license to allow a maximum ERP of forty watts, provided that the ERP directed toward the border with Canada does not exceed twenty watts.

6. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Sections 1.87 and 90.619(c)(2) of the Commission's Rules, 47 C.F.R. §§ 1.87, 90.619(c)(2) that the license for Private Land Mobile Radio Service Station WPOY909, held by FELHC, Inc, BE MODIFIED by adding a condition to the license specifying that the maximum Effective Radiated Power of base station location 1 on frequency 865.6875 MHz (and replacement frequency 863.8125 MHz) shall be no more than twenty watts in the direction of the border with Canada.

7. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to FELHC, Inc. Attn FCC License Admin, PO Box 44308, 76 South Main Street, Akron, OH 44308.

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 COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>5</sup> *Id.* at 4989 ¶ 5.

<sup>6</sup> *See* FELHC, Inc., Response to Order Proposing Modification (June 10, 2010) at 2.

<sup>7</sup> *Id.* at 1.