

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

In the Matter of)
)
HAZELTON INDUSTRIES, INC.)
)
Licensee of Private Land Mobile Radio Station)
WQEN999)

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 Hazelton Industries, Inc. (Hazelton), for Private Land Mobile Radio (PLMR) Station WQEN999 to reduce the maximum Effective Radiated Power (ERP) of the base station location authorized under this call sign as detailed below. We take this action pursuant to an earlier order proposing to modify Hazelton’s license.¹

II. BACKGROUND

2. Hazelton is licensed to operate PLMR Station WQEN999 at a single fixed location in Lenawee County, Michigan. Because Station WQEN999 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.²

3. Arrangement F divides the 800 MHz band into band segments and assigns primary access to these band segments to either licensees in the United States or Canada.³ U.S. licensees may operate on band segments designated as primary to licensees in Canada, but only if they satisfy certain signal strength limits at the border.⁴ These signal strength limits are specified in terms of power flux density (PFD) and vary depending on the height of the transmitting antenna.⁵

¹ See Hazelton Industries, Inc., *Order Proposing Modification*, 25 FCC Rcd 4992 (WTB MD 2010) (*OPM*).

² 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) (Arrangement F) 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) (Letter Amendment).

³ See Arrangement F at ¶¶ 3-4.

⁴ Letter Amendment at Annex A.

⁵ *Id.* at Annex B, Tables C1 and C2.

4. In an *Order Proposing Modification (OPM)* released May 14, 2010, we proposed to reduce the maximum ERP of the base station location licensed under Call Sign WQEN999. The *OPM* proposed reducing the ERP of this base station location from 250 watts to 78 watts to bring this base station into compliance with the PFD limits specified in Arrangement F.⁶ Hazelton was afforded thirty days to protest the *OPM*.⁷

III. DISCUSSION

5. Because Hazelton failed to protest the proposed modification of its license within thirty days,⁸ it is deemed to have consented to the proposed modification.⁹ Based on the record in this matter, we hereby modify the authorization for PLMR Station WQEN999, as proposed in the *OPM*, to ensure compliance with international obligations. See Attachment I.

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 of the Commission's Rules, 47 C.F.R. § 1.87 that the license for Private Land Mobile Radio Service Station WQEN999, held by Hazelton Industries, Inc., BE MODIFIED by reducing the maximum Effective Radiated Power at base station location 1 from 250 watts to 78 watts as listed in Attachment I to comply with Arrangement F.

7. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested, to Hazelton Industries, Inc., 490 Bay Hill Dr., Avon Lake, OH 44012; and to Becky Vogelsong, 102 E. Middle St., Gettysburg, PA 17325.

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

⁶ *OPM*, 25 FCC Rcd at 4993 ¶ 5.

⁷ *Id.* at 4993 ¶ 6.

⁸ See 47 C.F.R. § 1.87(g)(1).

⁹ See 47 C.F.R. § 1.87(h); see also *OPM*, 25 FCC Rcd at 4993 ¶ 6.

Attachment I

The maximum permitted ERP for PLMR Station WQEN999 at the location listed below is limited to the value shown in the rightmost column.

Call Sign	Location No.	Lat. (N)	Long. (W)	Licensed Frequency (MHz)	Maximum Permitted ERP (watts)
WQEN999	1	41° 48' 46.2"	84° 20' 03.8"	859.4375	78.0