

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

In the Matter of)
)
INFORMATION TRANSFER SYSTEMS)
)
Licensee of Private Land Mobile Radio Station)
WPPC523)

ORDER

Adopted: August 17, 2010

Released: August 18, 2010

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

I. INTRODUCTION

1. By this *Order*, we decline to modify the license of Information Transfer Systems (ITS) for Trunked SMR Station WPPC523, as had been proposed in an earlier order in this proceeding.¹ For the reasons set forth below, we conclude that no license modification is required.

II. BACKGROUND.

2. ITS is the licensee of Station WPPC523 in Erie County, Pennsylvania. Because Station WPPC523 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 stations may operate along the border.² 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.³

3. In an *Order Proposing Modification (OPM)* released May 14, 2010, we proposed to reduce the maximum ERP of the base station licensed under Call Sign WPPC523 from 500 watts to 20 watts. The *OPM* proposed reducing the ERP of the base station in order to ensure compliance with the power limits specified under Arrangement F and the Commission's rules.⁴ ITS was afforded thirty days to protest the *OPM*.⁵

¹ See Information Transfer Systems, *Order Proposing Modification*, 25 FCC Rcd. 4997 (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), 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).

³ 47 C.F.R. § 90.619(c)(2).

⁴ *OPM*, 24 FCC Rcd at 4998 ¶ 4.

⁵ *Id.* at 4998 ¶ 5.

III. DISCUSSION.

4. Since issuing the *OPM*, we have determined that ITS is operating in accordance with a condition on its license which limits the ERP of its base station to 20 watts in the direction of the border with Canada.⁶ Consequently, ITS complies with the power limits specified in Arrangement F and Commission Rules as currently licensed. We therefore decline to modify the license for Station WPPC523 as proposed in the *OPM*. ITS may continue to operate subject to the condition on its license.

5. 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 proceeding to modify the license for Trunked SMR Station WPPC523, held by Information Transfer Systems, IS HEREBY TERMINATED.

6. IT IS FURTHER ORDERED that this *Order* shall be sent by certified mail, return receipt requested, to Information Transfer Systems, 3001 Glenwood Park Ave, Erie, PA 16508-2711; and to Sandra Black, EMR Consulting, Inc., 8801 Sargent, Indianapolis, IN 46256.

7. 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 ITS's Station License contains the following condition: "A waiver of Section 90.619(c)(2) is granted to require the fixed-facility to use a directional antenna oriented with the maximum ERP in the direction of Canada limited to 20 watts. The interference contour for the fixed facility may not be expanded beyond what would exist using the maximum allowable parameters authorized by the rules." See License for Station WPPC523.