

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

In the Matter of )  
 )  
COMMONWEALTH OF PENNSYLVANIA )  
 )  
Licensee of Private Land Mobile Radio Stations )  
WPWF792 and WPWD808 )  
 )

**ORDER OF MODIFICATION**

**Adopted: August 24, 2010**

**Released: August 24, 2010**

By the Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau:

**I. INTRODUCTION**

1. By this *Order of Modification*, we modify the licenses of the Commonwealth of Pennsylvania (Pennsylvania) for Private Land Mobile Radio (PLMR) stations WPWF792 and WPWD808 to reduce the Effective Radiated Power (ERP) of the base station locations, authorized under the referenced call signs, on the frequencies listed in Attachment I. We take this action in furtherance of ensuring compliance with international obligations.

**II. BACKGROUND.**

2. Pennsylvania is licensed to operate PLMR Stations WPWF792 and WPWD808 at two fixed locations in the Commonwealth of Pennsylvania. Because Stations WPWF792 and WPWD808 operate in the 800 MHz band and are located within 140 kilometers of the border with Canada, they are subject to the provisions of a bilateral annex with Canada (Arrangement F) and an associated Interim Arrangement which specify the conditions under which 800 MHz PLMR stations may operate along the common border.<sup>1</sup>

3. Arrangement F and the associated Interim Arrangement divide the 800 MHz band into band segments and assign primary access to these band segments to either licensees in the U.S. or Canada.<sup>2</sup> U.S. licensees may operate on band segments designated as primary to licensees in Canada, but only if

<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) (Arrangement F); *see also* 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 Bands 821-824 MHz and 866-869 MHz (Sep. 1990) (Interim Arrangement) both 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).

<sup>2</sup> Arrangement F at ¶¶ 3-4. Interim Arrangement at ¶¶ 2-3.

they satisfy certain signal strength limits at the border.<sup>3</sup> These signal strength limits are specified in terms of power flux density (PFD) and vary depending on the height of the transmitting antenna.<sup>4</sup>

4. On May 21, 2010, the Public Safety and Homeland Security Bureau, acting under delegated authority, issued Pennsylvania an *Order Proposing Modification (OPM)* which proposed reducing the ERP of the base stations licensed under call signs WPWF792 and WPWD808.<sup>5</sup> The reduction in ERP proposed in the *OPM* was intended to bring these base station locations into compliance with the signal strength limits specified in Arrangement F and the associated Interim Arrangement for operation on frequencies primary to licensees in Canada.<sup>6</sup> Pennsylvania was afforded 30 days to protest to the *OPM*.<sup>7</sup>

### III. DISCUSSION.

5. Because Pennsylvania failed to protest the proposed modification of its licenses within 30 days,<sup>8</sup> it is deemed to have consented to the proposed modification.<sup>9</sup> Based on the record in this matter, we hereby modify the authorizations for PLMR Stations WPWF792 and WPWD808, 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 Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the licenses for Private Land Mobile Radio Service Stations WPWF792 and WPWD808, held by the Commonwealth of Pennsylvania, ARE HEREBY MODIFIED by reducing the Effective Radiated Power at the base station locations authorized under these call signs to the levels indicated in Attachment I on the frequencies listed in Attachment I.

7. IT IS FURTHER ORDERED, that the Chief of the Licensing Branch, Policy Division, Public Safety and Homeland Security Bureau, SHALL CAUSE the records of the Commission's Universal Licensing System for Private Land Mobile Radio Service Stations WPWF792 and WPWD808 to be modified consistent with this *Order of Modification*.

8. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to Commonwealth of Pennsylvania, ATTN Office of Public-Safety Radio Services, 2605 Interstate Drive, Suite 135, Harrisburg, PA 17110.

---

<sup>3</sup> Letter Amendment at Annex A.

<sup>4</sup> *Id.* at Annex B, Tables C1 and C2.

<sup>5</sup> See Commonwealth of Pennsylvania, *Order Proposing Modification*, 25 FCC Rcd 5369 (PSHSB) (*OPM*).

<sup>6</sup> *Id.* at 5390 ¶ 5.

<sup>7</sup> *Id.* at 5390 ¶ 6.

<sup>8</sup> See 47 C.F.R. § 1.87(g)(1).

<sup>9</sup> Staff at the Public Safety and Homeland Security Bureau did receive an informal call from an attorney, representing Pennsylvania, who indicated that Pennsylvania had no objection to the power reductions proposed in the *OPM*.

9. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Deputy Chief, Policy Division  
Public Safety and Homeland Security Bureau

**Attachment I**

**The maximum permitted ERP for PLMR stations WPWF792 and WPWD808 at the locations 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)
WPWF792	1	41° 53' 24.7"	080° 21' 14.2"	867.9875	19.0
--	--	--	--	--	--
WPWD808	1	41° 38' 43.2"	080° 02' 53.7"	867.6625	16.2