

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

In the Matter of Application of)	
)	
KEITH L. LARSON)	File No. 0004785899
)	
Central Station Alarm Association Informal)	
Objection to Deny Application)	

ORDER

Adopted: December 27, 2011

Released: December 28, 2011

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

1. *Introduction.* We have before us an informal objection, filed by the Central Station Alarm Association (CSAA), to the above-captioned application filed by Keith L. Larson (Larson) to operate on frequency 466.000 MHz.¹ CSAA asserts Larson is not entitled to operate on the frequency because he does not render a central station protection service.² For the reasons indicated below, we grant the objection and will dismiss the application with respect to frequency 466.000 MHz.

2. *Background.* On June 29, 2011, Larson filed an application seeking authorization to operate a base station in Jamestown, North Dakota on frequency 464.750 MHz and mobile units on that and six other frequencies, including 466.000 MHz.³ On July 19, 2011, CSAA filed an informal objection to the application because frequency 466.000 MHz that, pursuant to Section 90.35(c)(66) of the Commission's Rules, is restricted to use by entities rendering a central station commercial protection service.⁴ On August 25, 2011, the Commission returned the application to Larson.⁵ Frequency coordinator Enterprise Wireless Alliance (EWA) responded, stating that, pursuant to Section 90.35(c)(63) of the Commission's Rules, non-central stations can operate on alarm channels if they are located at least 120 km (75 miles) from defined urbanized areas of 200,000 or more population – a requirements that is met by Larson.⁶ On August 31, 2011, CSAA filed a supplement to the objection, addressing the EWA's arguments.⁷

3. *Discussion.* The assignment of frequency 466.000 MHz is governed by Section 90.35(c)(66), which states that the frequency may be assigned only to persons rendering a central station commercial protection service.⁸ EWA is incorrect in arguing that Section 90.35(c)(63), which permits non-central stations to operate on alarm channels under certain conditions, applies to frequency 466.000 MHz. As we previously explained,

¹ CSAA Informal Objection (filed July 19, 2011) (Objection).

² *Id.* at 2.

³ See FCC File No. 0004785899 (filed June 29, 2011).

⁴ Objection at 1-3; see also 47 C.F.R. § 90.35(c)(66).

⁵ Return Letter, Ref. No. 5207636 (August 25, 2011).

⁶ Letter from Enterprise Wireless Alliance (filed August 29, 2011).

⁷ CSAA Supplement to Informal Objection (filed August 31, 2011).

⁸ See 47 C.F.R. § 90.35(c)(66).

Section 90.35(c)(66) does not incorporate every provision of Section 90.35(c)(63); rather, the only part of Section 90.35(c)(63) that is incorporated into Section 90.35(c)(66) is the definition of central station commercial protection service. Therefore, a frequency that is subject to Section 90.35(c)(66) but not to Section 90.35(c)(63) . . . is designated exclusively for central station commercial protection service operations nationwide.⁹

Frequency 466.000 MHz is subject to Section 90.35(c)(66) but not to Section 90.35(c)(63). Because it is undisputed that the farming operations for which Larson intends to use the frequency do not qualify as central station commercial service protection operations, we grant CSAA's objection and will dismiss Larson's application with respect to frequency 466.000 MHz.

4. Accordingly, IT IS ORDERED that the informal objection filed on July 19, 2011 by the Central Station Alarm Association IS GRANTED, and application FCC File No. 0004785899 SHALL BE PROCESSED in accordance with this *Order* and the Commission's Rules.

5. 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

⁹ See Franklin Regional Council of Governments, *Order*, 25 FCC Rcd 15890, 15891 ¶ 5 (WTB MD 2010).