

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

In the Matter)	
)	
PAGING SYSTEMS, INC.)	File No. 0005068796
)	
Application to Modify License for Station)	
WPDD838)	

ORDER

Adopted: November 6, 2012

Released: November 7, 2012

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

1. *Introduction.* We have before us a petition filed by Environmental LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, V2G LLC, and Warren C. Havens (collectively, Petitioners) to deny the application of Paging Systems, Inc. (PSI) to modify PSI's license for Paging Station WPDD838.¹ For the reasons stated below, we deny the petition.

2. *Background.* On February 9, 2012, PSI filed an application to modify its license for Station WPDD838 by changing the coordinates, site elevation, and antenna height for the Grizzly Peak location, adding paging receivers, and requesting other changes.² PSI explained that the antenna has not been physically moved, and the modification was requested only to correct the site information, which had been recalculated using newer, more accurate technology.³

3. Petitioners argue that the modification application must be dismissed or denied, or the subject license be investigated for a failure to construct and operate as authorized.⁴ In support, Petitioners note proceedings involving other PSI licenses, Stations WQMF673 and WPSZ434, at Grizzly Peak.⁵ Petitioners argue that because the Wireless Telecommunications Bureau's Mobility Division (Division) is already investigating the validity of the PSI's claim that those licenses were properly constructed and are operational, it should also investigate the construction and operational status of Station WPDD838.⁶ Petitioners also note that the antenna tower was only recently registered with the Commission, which they argue indicates that the station was not timely constructed.⁷ Finally, Petitioners allege misconduct by PSI with respect to other licenses, which Petitioners argue shows that PSI lacks the character and fitness to be a Commission licensee.⁸

¹ Petition to Deny, or in the Alternative Section 1.41 Request, and Section 1.2 Request (filed March 16, 2012) (Petition). PSI filed an opposition on March 21, 2012 (Opposition). Petitioners filed a reply on April 10, 2012.

² See FCC File No. 0005068796, Attachment A: Description of Modification (filed Feb. 9, 2012) (Description).

³ *Id.*

⁴ See Petition at 10.

⁵ See *id.* at 5-6.

⁶ *Id.* at 7.

⁷ See *id.* at 8-9.

⁸ See *id.* at 9-10.

4. *Discussion.* While this proceeding was pending, the Division rejected Petitioners' assertion that PSI's Stations WQMF673 and WPSZ434 were not properly constructed and operating at Grizzly Peak.⁹ The Division found that "[the satellite images provided by Petitioners], with antenna structures visible near the licensed coordinates, actually support the licensees' representations that the stations were constructed at locations within a reasonable margin of error for determining geographic coordinates using older technology."¹⁰ Similarly, in the instant matter, the satellite images of the site with the licensed coordinates show the same antenna structure located at the new coordinates, 86.79 meters away from the original ones. This supports PSI's claims that the modification is requested only to correct the coordinates. As the Division stated, "[o]ccasional minor discrepancies in license coordinates due to the employment of later technology that yields more accurate results are not unprecedented, and are not grounds for concluding that the authorization terminated due to failure to construct . . ."¹¹ In addition, we agree with PSI that the fact that the tower was not registered earlier does not mean that the tower was not constructed earlier where, as PSI states, the tower was not required to be registered.¹²

5. Petitioners' other arguments do not involve the instant application; instead, Petitioners allege that PSI's conduct with respect to other licenses demonstrates that it lacks character and fitness to be a Commission licensee. The Commission has held, however, that "Petitioners' allegations regarding PSI's character qualifications, which relate to other PSI licenses and are the subject of other pending proceedings, are more appropriately addressed elsewhere."¹³ We therefore will not address those arguments in this proceeding.

6. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Sections 1.41 and 1.939 of the Commission's Rules, 47 C.F.R. §§ 1.41, 1.939, the Petition to Deny, or in the Alternative Section 1.41 Request, and Section 1.2 Request filed by Environmental LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, V2G LLC, and Warren C. Havens on March 16, 2012 IS DENIED and application File No. 0005068796 SHALL BE PROCESSED in accord with this *Order* and the Commission's Rules.

7. These actions are 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 Paging Systems, Inc., *Order and Order on Reconsideration*, 27 FCC Rcd 6043 (WTB MD 2012) (*Grizzly Peak Order*), *recon. pending*.

¹⁰ *Id.* at 6045 ¶ 5.

¹¹ *Id.* (citations omitted).

¹² See Opposition at 5.

¹³ See Paging Systems, Inc., *Order on Reconsideration*, 26 FCC Rcd 16573, 16576-78 ¶¶ 7-9 (2011); see also, e.g., Touch Tel Corporation, *Second Order on Reconsideration*, 27 FCC Rcd 4042, 4045-46 ¶ 8 (WTB BD 2012), *review pending*.