

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

In the Matter of
UNION, COUNTY OF
Licensee of Private Land Mobile Radio Station
WQPL308

ORDER

Adopted: October 1, 2015

Released: October 1, 2015

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

I. INTRODUCTION

1. This Order addresses Union County, Florida’s (Union County) Notice of Withdrawal of Protest to Order Proposing Modification of Union County’s license for Private Land Mobile Radio (PLMR) Station WQPL308. For the reasons stated below, we consent to the requested withdrawal and will process Union County’s application to modify Station WQPL308 consistent with the Order Proposing Modification.

II. BACKGROUND

2. On January 14, 2015, the Policy and Licensing Division (Division) of the Public Safety and Homeland Security Bureau released an Order, which, inter alia, proposed modifying Union County license for PLMR Station WQPL308. Specifically, the Division proposed to remove Union County’s authorization to operate on frequency 155.985 MHz. In its place, the Division proposed that Union County operate on frequency pair 159.2025 MHz, to resolve an interference dispute between Union County and Baker County, Florida (Baker County). Pursuant to the provisions of Section 316(a)(1) of the Communications Act of 1934, as amended, the Division afforded Union County 30 days to oppose the modification.

3. On February 10, 2015, Union County protested the Proposed Modification Order within the requisite thirty-day period. Among other things, Union County claimed that (1) it lacked funding to alter its radio system as proposed; (2) the factual assertion in the Proposed Modification Order that Union County failed to respond to Division correspondence to resolve the issue was inaccurate; (3) it received

1 Notice of Withdrawal of Protest to Order Proposing Modification filed by Union County, Florida (dated Sept. 8, 2015).

2 Union, County of, Order Proposing Modification, 30 FCC Rcd 181 (PSHSB 2015).

3 Id. at 184 ¶ 14.

4 47 U.S.C. § 316(a)(1) (permitting the Commission to modify a station license if the action will promote the public interest, convenience, and necessity).

5 Section 316 requires that “the holder of the license or permit . . . shall be given reasonable opportunity, of at least thirty days, to protest the proposed modification of its license(s). 47 U.S.C. § 316(a)(1).

6 Protest to Order Proposing Modification filed by Union County, Florida (dated Feb. 10, 2015).

no notice regarding any alleged interference prior to approximately March 2013, when it became aware of the claimed interference when contacted by frequency coordinator, the Association of Public-Safety Communications Officials-International, Inc. (“APCO”), and (4) if there was interference, it was due to APCO’s negligence, because APCO coordinated the frequencies for both counties.⁷

4. On February 13, 2015, APCO filed a response to Union County’s allegation in its *Proposed Modification Order* protest that APCO was negligent in coordinating Union County’s frequency and thus responsible for the interference between Union County and Baker County.⁸ APCO claimed (1) its initial coordination analysis was appropriate (2) it went above and beyond standard procedures to investigate further once it became aware of the interference between Union County and Baker County and (3) Union County was aware that its secondary use of the frequency left it unprotected from interference caused by and/or caused to current and future primary operations.⁹

5. On March 13, 2015, Union County filed an application to modify its license for call sign WQPL308.¹⁰ Specifically, Union County proposed to replace frequency 155.985 MHz with frequency 159.2025 MHz as proposed in the *Proposed Modification Order*. On September 8, 2015, Union County notified the Division of Union County’s withdrawal of its protest to the *Proposed Modification Order*.

III. DECISION

6. By filing its modification application and withdrawing its protest, Union County has manifested consent to the *Proposed Modification Order*. Therefore, we will process Union County’s pending license modification application. We find that modifying Union County’s license in this manner is consistent with the *Proposed Modification Order* and will serve the public interest by eliminating interference between Union County and Baker County and facilitating more efficient public safety communications in both counties.

IV. ORDERING CLAUSES

7. 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 Notice of Withdrawal of Protest to Order Proposing Modification filed by Union County, Florida on September 8, 2015 IS PERMITTED.

8. IT IS FURTHER ORDERED, that the application to modify Private Land Mobile Radio Station WQPL308, FCC File No. 0006708388, SHALL BE PROCESSED in accordance with this *Order*.

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 and 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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

⁷ *Id.*

⁸ Response of APCO to Protest to Order Proposing Modification (dated Feb. 13, 2015).

⁹ *Id.*

¹⁰ See FCC File No. 0006708388 (filed Mar. 13, 2015).