

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

In the Matter of)
INDUSTRIAL TELECOMMUNICATIONS)
ASSOCIATION, INC.)
Petition to Set Aside Grant of Application of)
Wayne E. Noll for New Industrial/Business)
Private Land Mobile Radio Station at Platte,)
Missouri)
And)
WAYNE E. NOLL)
Licensee of Trunked Industrial/Business Pool)
Radio Service Station WPRH950, Platte, Missouri)

ORDER OF MODIFICATION

Adopted: December 31, 2001

Released: January 3, 2002

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. Introduction. In this Order of Modification, we modify the license for Private Land Mobile Radio Station WPRH950, Platte, Missouri, held by Wayne E. Noll (Noll). Specifically, we modify Noll's license by changing the authorized frequency of operation from 157.620 MHz to 159.555 MHz. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Noll's license.

2. Background. In the Modification Proposal Order, based upon our analysis, we concluded that the Noll application, the grant of which resulted in issuance of the subject license for Station WPRH950, should not have been coordinated because the proposed operations did not provide the requisite interference protection to the radio operations of Commenco, Inc. We found that initiation of revocation proceedings against Noll's station was unnecessary in this matter because the Personal Communications Industry Association (PCIA) proposed changes to the Noll license designed to eliminate interference to the earlier-licensed stations. As a result, we proposed to modify Noll's license pursuant to Section 316 of the Communications Act of 1934, as amended, by changing the authorized operating frequency of

1 See, In re Wayne E. Noll, 16 FCC Rcd 14873 (WTB PSPWD 2001) (Modification Proposal Order).

2 Id. at 14876 ¶ 9.

3 Id.

4 47 U.S.C. § 316.

157.620 MHz to 159.555 MHz.⁵ In this connection, we tentatively concluded that the proposed modification would serve the public interest by preserving the existing coverage areas of affected parties and preventing harmful interference, while not unduly disrupting Noll's operations.

3. *Discussion.* A copy of the *Modification Proposal Order* was sent by certified mail, return receipt requested to Noll with the requirement that any protest thereto be submitted within thirty days of its receipt.⁶ Noll received the *Modification Proposal Order* on September 27, 2001. Noll did not protest the proposed modification of its license within the requisite time frame.⁷ Therefore, Noll is deemed to have consented to the proposed modification.⁸ Based on the record in this matter, we conclude that it would be in the public interest to modify Noll's license by changing the operating frequency for station WPRH950, Platte, Missouri from 157.620 MHz to 159.555 MHz.⁹

4. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Station WPRH950, Platte, Missouri, held by Wayne E. Noll IS MODIFIED effective thirty days from the release of this *Order of Modification* by changing the operating frequency 157.620 MHz to 159.555 MHz on the authorization.

5. IT IS FURTHER ORDERED that this *Memorandum Opinion and Order* shall be sent by certified mail, return receipt requested to Wayne E. Noll, P.O. Box 1067, Platte City, Missouri 64079.

6. 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

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁵ 47 U.S.C. § 316(a). Section 316(a) requires that we notify the affected station(s) of the proposed modification(s), the public interest reasons for the action, and afford at least 30 days to respond.

⁶ 47 C.F.R. § 1.87(a).

⁷ 47 C.F.R. § 1.87(g)(1).

⁸ 47 C.F.R. § 1.87(h); *see also Modification Proposal Order*, 16 FCC Rcd at 14876 ¶ 9.

⁹ 47 C.F.R. § 1.87(i).