

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

In the Matter of)
MICHAEL J. TAYLOR)
Application for Modification of the License for) File No. 0000642241
Private Carrier Paging Station WPMW737 in)
Albion, Michigan)

Order

Adopted: August 19, 2002

Released: August 20, 2002

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On February 28, 2002, Michael J. Taylor (Taylor) filed a Petition for Reconsideration (Petition)1 of a decision by the Commercial Wireless Division’s Licensing and Technical Analysis Branch (Branch), which dismissed Taylor’s modification application.2 For the reasons discussed below, we dismiss Taylor’s Petition as moot and return Taylor’s application to pending status for processing.

2. Taylor is authorized to operate a private carrier paging station under call sign WPMW737 on shared paging frequencies 929.0875 MHz and 929.1625 MHz3 in Albion, Michigan. On October 29, 2001, Taylor submitted an application to relocate its Albion station to Horton, Michigan. On January 29, 2002, the Branch dismissed Taylor’s application.4 In its dismissal letter, the Branch stated that frequencies below 929.500 MHz are not assignable above “Line A”5 unless there is an agreement for cooperative use with Canada. In his Petition, Taylor argues that the Branch’s decision is arbitrary and capricious, because it is not supported by the Commission’s rules and does not take into account Taylor’s technical showing.6

3. The frequencies requested by Taylor may not be assigned in the continental United States north of Line A, without prior coordination with Industry Canada, pursuant to Sections 1.928 and 22.169

1 Petition for Reconsideration filed by Michael J. Taylor (File No. 0000642241) (February 28, 2002).

2 See Letter from James S. Gumbert, for Michael A. Ferrante, Chief, Licensing and Technical Analysis Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, to Dennis C. Brown, Counsel for Michael J. Taylor (dated Jan. 31, 2002).

3 47 C.F.R. § 90.494(b).

4 See Letter from James S. Gumbert, for Michael A. Ferrante, Chief, Licensing and Technical Analysis Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, to Dennis C. Brown, Counsel for Michael J. Taylor (dated Jan. 31, 2002).

5 The Commission uses “Line A” as a coordination point with Canadian authorities in the assignment of paging channels. Line A, which approximately parallels the U.S.-Canadian border, is defined in Section 2.1 of our rules. 47 C.F.R. § 2.1.

6 See Petition at 1-2.

of the Commission's rules,⁷ and the U.S.-Canada Interim Coordination Considerations for Band 929-932 MHz, as amended.⁸ On August 13, 2002, however, Taylor obtained permission from Industry Canada to relocate station WPMW737, subject to the conditions specified in an agreement letter.⁹ We therefore dismiss Taylor's Petition as moot and return his application to pending status for further processing.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 405, and Sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.106, the Petition for Reconsideration filed by Michael J. Taylor on February 28, 2002 IS DISMISSED as moot.

5. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 405, and Sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.106, the application filed by Michael J. Taylor on October 29, 2001 shall be returned to pending status and processed under Commission rules.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau

⁷ 47 C.F.R. § 1.928 (certain frequency assignments require coordination with Canada); 47 C.F.R. § 22.169 (channel assignments are subject to the applicable provisions and requirements of treaties and other international agreements between the United States and Canada).

⁸ Interim Coordination Considerations for the Band 929-932 MHz (Sept. 14, 1983); Further Interim Coordination Considerations for the Shared 931-932 MHz (Feb. 10, 1987); Letter from Robert W. McCaughern, Deputy Director General, Engineering Programs Branch, Department of Communications, to Bruce A. Franca, Deputy Chief Engineer, Office of Engineering and Technology, Federal Communications Commission (Apr. 20, 1988); Letter from Bruce A. Franca, Deputy Chief Engineer, Office of Engineering and Technology, Federal Communications Commission, to Robert W. McCaughern, Deputy Director General, Engineering Programs Branch, Department of Communications (July 22, 1992).

⁹ See Letter from Kathryn O'Brien, Chief, Strategic Analysis & Negotiations Division, International Bureau, Federal Communications Commission, to Chantal Beaumier, Director, Space and International Regulatory Activities, Industry Canada (July 26, 2002). The agreement was signed on August 13, 2002.