

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

In the Matter of)
CARA ENTERPRISES, INC.)
Petition for Modification or, in the Alternative,)
Revocation of License of JJ's Rooter Service, Inc.)
for Station WNGT994, Las Vegas, Nevada)
and)
JJ'S ROOTER SERVICE, INC.)
Licensee of Trunked Industrial/Business Pool)
Radio Service Station WNGT994, Las Vegas,)
Nevada)

ORDER

Adopted: August 7, 2002

Released: August 8, 2002

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

1. On May 1, 2002, the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division (Division) released a Memorandum Opinion and Order (MO&O) initiating a proceeding to modify the station class code of one of the frequencies assigned to Station WNGT994, Las Vegas, Nevada.1 The station licensee, JJ's Rooter Service, Inc. (JJ's), protested the modification2 in accordance with the provisions of Section 1.87(a) of the Commission's Rules.3 There has now been a resolution of the matter and, therefore, we terminate this proceeding as moot and vacate the MO&O.

2. Station WNGT994 was licensed to JJ's for operation on, inter alia, frequency 451.7500 MHz. The Division concluded in the MO&O that the application of JJ's for authorization to operate on this frequency had been improperly coordinated, because the operations of Station WNGT994 did not provide the requisite interference protection required by Section 90.187 of the Commission's Rules4 to Lake Las Vegas Joint Venture (Lake Las Vegas) Station WPLZ767, Clark County, Nevada; moreover, JJ's had not obtained Lake Las Vegas's written consent.5 The Division proposed to modify the license for

1 In the Matter of Cara Enterprises, Inc. Petition for Modification or, in the Alternative, Revocation of License of JJ's Rooter Service Inc. for Station WNGT994, Las Vegas, Nevada and JJ's Rooter Service, Inc. Licensee of Trunked Industrial/Business Pool Radio Service Station WNGT994, Las Vegas, Nevada, Memorandum Opinion and Order, 17 FCC Rcd 8009 (WTB PSPWD 2002).

2 Letter, dated May 28, 2002, from Jim E. Duggan, President, JJ's Rooter Service, Inc., to Federal Communications Commission (Protest).

3 47 C.F.R. § 1.87(a).

4 47 C.F.R. § 90.187.

5 MO&O, 17 FCC Rcd at 8012 ¶ 9.

Station WNGT994 in order to prevent potential interference to Station WPLZ767.⁶ The proposed modification consisted of changing the station class code on frequency 451.7500 MHz, assigned for use by Station WNGT994 from FB8 to FB6.⁷ The modification would remove the exclusivity of JJ's to use this frequency, and would require JJ's to monitor for a clear channel before transmitting.⁸

3. On May 28, 2002, JJ's submitted a timely protest opposing the proposed modification to its license.⁹ Subsequently, JJ's submitted a May 30, 2002 letter from Lake Las Vegas consenting to the operation of Station WNGT994 on frequency 451.7500 MHz.¹⁰ Because JJ's now has the written consent of the only affected incumbent licensee identified by a contour overlap analysis, which satisfies the requirements of Section 90.187, we now consider this matter to be satisfactorily resolved. Because this proceeding is now moot, the *MO&O* will be vacated and this proceeding will be terminated.¹¹

4. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.87(a) of the Commission's Rules, 47 C.F.R. § 1.87(a), the *Memorandum Opinion and Order* proposing to modify the license of the JJ's Rooter Service for Station WNGT994, released on May 1, 2002, IS hereby VACATED.

5. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

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 COMMUNICATION COMMISSION

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

⁶ *Id.* at 8012-13 ¶ 11.

⁷ *Id.*

⁸ *Id.*

⁹ *See* Protest.

¹⁰ Letter, dated May 30, 2002, from Daniel R. Rainey, Vice President of Development, Lake Las Vegas Resort, to Federal Communications Commission.

¹¹ *See A.L. Mechling Barge Lines, Inc. v. United States*, 368 U.S. 324 (1961); *American Family Life Assurance Co. v. FCC*, 129 F.3d 625 (D.C. Cir. 1997); *Classic Telephone, Inc., Order*, 15 FCC Rcd 25101 (2000).