

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

In the Matter of)
INDUSTRIAL TELECOMMUNICATIONS)
ASSOCIATION, INC.)
Petition to Reconsider Denial of Petition to Set)
Aside Grant of Application of Public Service)
Electric and Gas Company for New)
Industrial/Business Private Land Mobile Radio)
Station at Borough Park Ridge, New Jersey)
And)
PUBLIC SERVICE ELECTRIC AND GAS)
COMPANY)
Licensee of Conventional Power Radio Service)
Station WPQK581, Borough Park Ridge, New)
Jersey, and Petition to Rescind Grant of Authority)
of Horizon Communications for New)
Industrial/Business Private Land Mobile Radio)
Station at Fort Lee, New Jersey)
And)
HORIZON COMMUNICATIONS)
Licensee of Trunked Industrial/Business Pool)
Radio Service Station WPOY784, Fort Lee, New)
Jersey)

ORDER OF MODIFICATION

Adopted: January 10, 2002

Released: January 14, 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 WPOY784, Fort Lee, New Jersey, held by Horizon Communications (Horizon). Specifically, we modify Horizon's license by removing 153.6125 MHz as an authorized frequency of operation for Station WPOY784. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Horizon's license.

1 See Horizon Communications, Memorandum Opinion and Order, 16 FCC Rcd 15765 (WTB PSPWD 2001) (Modification Proposal Order).

2. *Background.* In the *Modification Proposal Order*, based upon our analysis, we concluded that a Horizon application, the grant of which resulted in issuance of the subject license for Station WPOY784, should not have been coordinated because the proposed operations did not provide the requisite interference protection to the radio operations of Public Service Electric and Gas Company (PSE&G).² We found that initiation of revocation proceedings against Horizon's station was unnecessary in this matter because the Personal Communications Industry Association (PCIA) proposed changes to the Horizon license designed to eliminate interference to the earlier-licensed stations.³ As a result, we proposed to modify Horizon's license pursuant to Section 316 of the Communications Act of 1934, as amended,⁴ by removing the authorized operating frequency of 153.6125 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 Horizon's operations.

3. *Discussion.* A copy of the *Modification Proposal Order* was sent by certified mail, return receipt requested to Horizon Communications with the requirement that any protest thereto be submitted within thirty days of its receipt.⁶ Horizon received the *Modification Proposal Order* on September 21, 2001. Horizon did not protest the proposed modification of its license within the requisite time frame.⁷ Therefore, Horizon 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 Horizon's license for Station WPOY784, Fort Lee, New Jersey by removing 153.6125 MHz as an authorized frequency of operation.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 WPOY784 held by Horizon Communications IS MODIFIED effective thirty days from the release of this *Order of Modification* by removing the frequency 153.6125 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 Horizon Communications, P.O. Box 387, Cliffside Park, NJ 07010.

² *Id.* at 15769 ¶ 11.

³ *Id.*

⁴ 47 U.S.C. § 316.

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 15769 ¶ 12.

⁹ 47 C.F.R. § 1.87(i).

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