

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

In the Matter of)
)
 INDUSTRIAL TELECOMMUNICATIONS)
 ASSOCIATION, INC.)
)
 Petition for Modification of the License of Hertz)
 Corp. for Industrial/Business Private Land Mobile)
 Radio Station WPIR684, Memphis, Tennessee)
)
 And)
)
 HERTZ CORP.)
)
 Licensee of Conventional Industrial/Business Pool)
 Radio Service Station WPIR684, Memphis,)
 Tennessee)

ORDER OF MODIFICATION

Adopted: January 13, 2003

Released: January 15, 2003

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

1. *Introduction.* In this *Order of Modification*, we modify the license for Industrial/Business Pool, Conventional Station WPIR684, Memphis, Tennessee. Specifically, we modify Hertz Corp.’s (Hertz) license by deleting frequency pair 463/468.2650 MHz. As explained in further detail below, we take this action pursuant to an earlier order proposing to modify Hertz’s license.¹

2. *Background.* By letter dated October 19, 2002, the Industrial Telecommunications Association, Inc. (ITA) brought to the Commission’s attention the fact that Station WPIR684 had been granted authority to operate an invalid frequency pair.² ITA requested that the Commission determine the correct frequency for this system and issue a new authorization to reflect the appropriate frequency, or set aside Hertz’s authorization if the correct frequency cannot be determined. In the *MO&O*, based upon our analysis, we concluded that the October 19, 1995 license grant for Station WPIR684 was defective because it authorized operation on invalid frequency pair 463/468.2650 MHz.³ There is no allocation for the frequency pair 463/468.2650 MHz in either the Industrial/Business or Public Safety Pools according to current FCC rules.⁴ As a result, we proposed to modify Hertz’s license pursuant to Section 316 of the

¹ See Industrial Telecommunications Association, Inc., *Memorandum Opinion and Order*, 17 FCC Rcd 21141 (WTB PSPWD 2002) (*MO&O*).

² Letter dated October 19, 2001 and received October 30, 2001 from Richard F. Feser, Director, Spectrum Operations & Analysis, ITA, to Mary Shultz, Chief, Licensing and Technical Analysis Branch.

³ See *MO&O*, 17 FCC Rcd at 21142 ¶ 6.

⁴ 47 C.F.R. §§ 90.20, 90.35.

Communications Act of 1934, as amended,⁵ by deleting frequency pair 463/468.2650 MHz. In this connection, we concluded that the proposed modification would serve the public interest by preventing harmful interference to adjacent channel licensees, while not unduly disrupting Hertz's operations.⁶

3. *Discussion.* A copy of the *MO&O* was sent to Hertz with the requirement that any protest thereto be submitted within thirty days of its receipt.⁷ Hertz did not protest the proposed modification of its license within the requisite time frame.⁸ Therefore, Hertz is deemed to have consented to the proposed modification.⁹ Based on the record in this matter, we conclude that it would be in the public interest to modify Hertz's license for Station WPIR684 by deleting frequency pair 463/468.2650 MHz.

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 Private Land Mobile Radio Services Station WPIR684, Memphis, Tennessee, held by Hertz Corp., IS MODIFIED by deleting frequency pair 463/468.2650 MHz, effective thirty days from the date of this *Order of Modification*.

5. IT IS FURTHER ORDERED that this *Order of Modification* shall be sent by certified mail, return receipt requested, to Hertz Corp., 5601 NW Expressway, Oklahoma City, Oklahoma 73132.

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.

⁶ *MO&O*, 17 FCC Rcd at 21142 ¶ 5.

⁷ See 47 C.F.R. § 1.87(a).

⁸ See 47 C.F.R. § 1.87(g)(1).

⁹ See 47 C.F.R. § 1.87(h); see also *MO&O*, 17 FCC Rcd at 21142 ¶ 6.