

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

In the Matter of )  
 )  
NOTE ACQUISITIONS INC. )  
 )  
Licensee of Paging and Radiotelephone Station )  
(CD) WQZ691 )

ORDER PROPOSING MODIFICATION

Adopted: September 22, 2015

Released: September 22, 2015

By the Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* By this *Order Proposing Modification*, we initiate a proceeding to modify the license of Note Acquisitions (Note) for Paging and Radiotelephone Station (CD) WQZ691, to delete frequencies 454.225 MHz and 454.350 MHz.

2. *Background.* On July 31, 2015, the Wireless Telecommunications Bureau’s Mobility Division was copied on a correspondence from attorneys for Mountain Communications and Electronics, Inc. (MCE) to Note.<sup>1</sup> In this letter, MCE states that the Federal Communications Commission's (FCC's) Universal Licensing System (ULS) incorrectly reflects that the license for station WQZ691 is authorized to operate on frequencies 454.225 MHz and 454.350 MHz.<sup>2</sup> MCE alleges that these frequencies were cancelled by actions taken by a prior licensee, Action Page, Inc. (f/k/a Empire Dispatch of Northern Colorado) (Action Page).

3. In its letter, MCE provides copies of FCC filings for the 454.225 MHz and 454.350 MHz base stations that appear to demonstrate that on January 9, 1984, Action Page filed an application<sup>3</sup> to relocate 454.225 and 454.350 MHz base stations from a site at 11 miles NE of Fort Collins to a new site that is 4.5 miles SW of Fort Collins (Larimer County), Colorado (40-32-56 N, 104-11-47 W)<sup>4</sup> and to change frequencies from 454.225 MHz and 454.350 MHz to 454.250 MHz and 454.275 MHz. The filings also show that on June 2, 1986, Action Page filed a Form 489 notifying the FCC that the relocation and frequency change from 454.225 and 454.350 MHz to 454.250 and 454.275 MHz had been effected. On

<sup>1</sup> Letter from Richard D. Rubino, Counsel for Mountain Communications and Electronics, Inc., to Mark H. Fulling, President, Note Acquisitions Inc. and Alexander L. Doyle, Treasurer, Note Acquisitions Inc., with copies to Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, Kathy Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, and Gabriel Gersten, Enforcement Bureau (July 31, 2015).

<sup>2</sup> ULS shows that station WQZ691 is authorized for the frequencies 454.025 MHz, 454.225 MHz, 454.250 MHz, 454.275 MHz and 454.350 MHz at a site that is located 4.5 miles WSW of Fort Collins (Larimer County), Colorado (40-32-55.9 N, 105-11-48.9 W).

<sup>3</sup> File No. 21064CDP284.

<sup>4</sup> These geographic coordinates are the same as those in File No. 21064CDP284 after the coordinates are converted from NAD27 (which was used in old applications such as File No. 21064CDP284) to NAD 83 (which we currently use).

September 22, 2014, the licensee at the time, Louisiana CallComm, LLC, filed to assign the license to Note, with the frequencies 454.225 MHz and 454.350 MHz still reflected on the license.<sup>5</sup>

4. *Discussion.* After reviewing the filings and information before us, we conclude that the frequencies 454.225 MHz and 454.350 MHz should be deleted from station WQZ691. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.<sup>6</sup> Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.<sup>7</sup> In this connection, it appears that Action Page filed an application to remove these frequencies and add two additional frequencies, 454.250 MHz and 454.275 MHz. Though the frequencies 454.250 MHz and 454.275 MHz were added to the license, it appears that Commission staff failed to remove the frequencies 454.225 MHz and 454.350 MHz. This modification corrects that administrative error.

5. We note that a proposed modification under the circumstances presented would promote the public interest, convenience, and necessity because the subject channels rightly should be available for assignment to other licensees, and removing frequencies that were not intended to be operated on at the associated site will help reduce interference to co-channel and adjacent licensees. Further, we believe that such action would not unduly disrupt Note's current operations, because the other frequencies also are assigned to station WQZ691. Thus, we believe that a modification of the Note license to delete the subject frequencies without authorizing replacement frequencies is appropriate under the circumstances presented.

6. Consequently, we propose to modify Note's license for station WQZ691 to remove the frequencies 454.225 MHz and 454.350 MHz. In accordance with section 1.87(a) of the Commission's Rules,<sup>8</sup> we will not issue a modification order until Note has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Note must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554, Attn: Amanda Huetinck.<sup>9</sup> If no protest is filed, Note will have waived its right to protest the modification and will be deemed to have consented to the modification.

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Paging and Radiotelephone Station (CD) WQZ691, held by Note Acquisitions Inc. BE MODIFIED by deleting frequencies 454.225 MHz and 454.350 MHz.

8. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Note Acquisitions, 24211 Weld County Rd. 44, LaSalle, CO

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<sup>5</sup> File No. 0006468092.

<sup>6</sup> 47 U.S.C. § 316(a)(1).

<sup>7</sup> *Id.*

<sup>8</sup> 47 C.F.R. § 1.87(a).

<sup>9</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, Priority Mail, and hand-delivered or messenger-delivered documents. Documents sent by commercial overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.

80645, Attn: Liz Baker; Note Acquisitions Inc., 5721 Logan Street, Denver, Colorado 80216, Attn: Alexander L. Doyle, Treasurer.

9. 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

Roger Noel  
Chief, Mobility Division  
Wireless Telecommunications Bureau

