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

In the Matter of	)	
	)	
SWAG CORPORATION	)	File No. 0003199291
	)	
Application to Modify License for Station WQDX231	)	

ORDER

Adopted: March 17, 2009   Released: March 20, 2009

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1.   *Introduction.* We have before us an informal petition, filed by the Central Station Alarm Association (CSAA) on November 2, 2007, to deny the above-captioned application filed by Swag Corporation (Swag) to modify its license for Station WQDX231, Los Angeles County, California.[1] For the reasons indicated below, we grant the petition, and will dismiss the application.

2.   *Background.* On October 15, 2007, Swag filed the above-captioned application to add a mobile relay station at New Bury Park, Los Angeles County, California, and associated mobile units, operating on frequency pair 460/465.950 MHz. This frequency pair is subject to Section 90.35(c)(63) of the Commission's Rules, which provides that within the boundaries of urbanized areas of 200,000 or more population, eligibility is limited to persons rendering "a central station commercial protection service," which is defined as "an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories' (UL), or Factory Mutual System [(FMS)]."[2] The rule also provides that other Industrial/Business Pool stations may operate on this frequency only when "all base, mobile relay and control stations are located at least 120 km (75 miles) from the city center or centers of the specified urbanized areas."[3]

3.   On November 2, 2007, CSAA filed an informal petition to deny the application on the grounds that Swag does not meet the requirements for a central station commercial protection service.[4] Swag did not file any pleading in response to the petition, but on November 21, 2007, it amended the application to change the applicant name to National Monitoring Center, which is UL-listed and FMS-approved. After Commission staff asked Swag to explain the corporate relationship between Swag and National Monitoring Center,[5] however, Swag again amended the application to change the applicant name back to Swag Corporation.

4.   *Discussion*. We agree with CSAA that Swag has not demonstrated eligibility as a central station commercial protection service.[6] Because New Bury Park is less than 120 km (specifically, 62.8

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[1] *See* CSAA Informal Petition to Deny (filed Nov. 2, 2007) (Petition).

[2] *See* 47 C.F.R. § 90.35(c)(63).

[3] *Id.*

[4] *See* Petition at 2.

[5] *See* Return Letter, Ref. No. 4707116 (Feb. 8, 2008).

[6] *See* Petition at 2. On June 6, 2008, CSAA supplemented its Petition to request that Swag's license for Station WQDX231 be revoked. *See* Letter dated June 6, 2008 from John A. Prendergast, counsel for CSAA, to Marlene Dortch, Secretary, Federal Communications Commission. We will address that request in a separate proceeding.

km) from the Los Angeles city center, the application also fails to meet the operational requirements for other Industrial/Business Pool licenses to operate on the frequency pair. Accordingly, Swag is not eligible for authorization for the proposed operations on frequency pair 460/465.950 MHz, and we will grant CSAA's petition and dismiss the application.

5. Accordingly, IT IS ORDERED that the informal petition filed by the Central Station Alarm Association on November 2, 2007, IS GRANTED, and application FCC File No. 0003199291 SHALL BE DISMISSED.

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

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

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Such inquiry may also address Swag's character qualifications to be a Commission licensee, in light of its apparently erroneous use of the National Monitoring Center name.