

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
)	
Revisions to Broadcast Auxiliary Service Rules in)	
Part 74 and Conforming Technical Rules for)	
Broadcast Auxiliary Service, Cable Television)	ET Docket No. 01-75
Relay Service and Fixed Services in Parts 74, 78)	
and 101 of the Commission’s Rules)	
)	
Telecommunications Industry Association,)	
Petition for Rule Making Regarding Digital)	RM-9418
Modulation for the Television Broadcast)	
Auxiliary Service)	
)	
Alliance of Motion Picture and Television)	
Producers, Petition for Rule Making Regarding)	RM-9856
Low-Power Video Assist Devices in Portions of)	
the UHF and VHF Television Bands)	

PETITION FOR RECONSIDERATION

The Nassau County Police Department (“NCPD”), by its attorneys, hereby seeks reconsideration of the Commission’s *Report and Order*, FCC 02-298, released November 13, 2002, in the above-captioned proceeding, insofar as the Commission failed to exclude broadcast auxiliary service (BAS) operations from certain frequencies authorized for public safety land mobile radio operations in the New York metropolitan area.

The *Report and Order*, at footnote 181, and Section 74.870 of the revised rules, acknowledge that Section 90.303 of the Commission’s rules allocate certain UHF-TV stations in the 470-512 MHz band (TV channels 14-20) for land mobile operations in eleven metropolitan areas. Thus, the revised rules expressly exclude BAS operations from those channels in the relevant areas. BAS is also excluded from TV channel 16 (482-488 MHz) in the New York

metropolitan area, as that channel has been made available for public safety operations pursuant to waiver (*see Report and Order*, footnote 181). However, the Commission overlooked the fact that waivers have also been issued to permit TV channel 19 (500-506 MHz) to be used for public safety communications in the New York area.

On July 23, 2002, the Commission released a *Memorandum Opinion and Order*, FCC 02-1771, granting NCPD's request for waiver to use certain frequencies in the 500-506 MHz band for a new interoperable public safety communications system in Nassau County, New York. As noted therein, this new system is essential to relieve dangerous congestion on existing radio systems and to provide improved interoperability among public safety agencies within the County and in nearby jurisdictions, including the City of New York. In addition to NCPD's newly authorized operations, there are over 100 existing 500-506 MHz land mobile radio base stations licensed in Northern New Jersey, most of which are public safety agencies operating pursuant to waivers granted by the Commission.

Therefore, NCPD respectfully requests that the Commission revise Section 74.870(c)(4), and such other rules as may necessary to identify 500-506 MHz as excluded frequencies in the New York/N.E. New Jersey area.

Respectfully submitted,

NASSAU COUNTY POLICE
DEPARTMENT

By:



Robert M. Gurss
SHOOK, HARDY & BACON, LLP
600 14TH Street, NW #800
Washington, DC 20005
(202) 662-4856

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