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

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	WT Docket 02-55
	)	
Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels	)	
	)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems	)	ET Docket No. 00-258
	)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed personal Communications Service	)	RM-9498
	)	
Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service	)	RM-1024
	)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service	)	ET Docket No. 95-18

To: The Commission

PETITION FOR RECONSIDERATION

Consolidated Edison Company of New York, Inc. ("Con Edison") respectfully requests reconsideration of the Commission's *Supplemental Order and Order on Reconsideration* (Supplemental Order)[1] with respect to the issue of signal strength level for interference protection. Con Edison filed a Petition for Clarification and Reconsideration of the

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[1] FCC 04-294, rel. December 22, 2004; 70 FR 6761, February 8, 2005.

Commission's *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order* ("R&O") in these proceedings[2] on December 22, 2004. Because the petition was filed without regard to the Supplemental Order, on the same day that the Supplemental Order was released, and because the Supplemental Order deals, in part, with issues of interference mitigation (at paragraphs 37-50), Con Edison wishes to reiterate its position regarding eligibility for full interference protection to emphasize its concerns that lack of sufficient interference protection could potentially have a devastating effect on its ability to conduct its public utility operations in a safe and efficient manner.

As previously noted, Con Edison is a major public utility that provides electric, gas and steam service to over three million customers in New York City and Westchester County, New York. Con Edison provides its utility services through more than 120,000 combined underground cable miles and overhead wire lines, 4,000 miles of gas mains, 360,000 gas services and 100 miles of steam mains and services. To help conduct its operations in a safe and efficient manner, Con Edison has constructed a digital iDEN system operating in the 800 MHz band with dual NAM capability, which is used for internal communications, including voice communications and short messaging services. Con Edison has invested more than $25 million in its iDEN system which includes approximately 3,300 mobile units operating throughout its 660-square mile service territory. In addition to the iDEN system, Con Edison also has a license for an itinerant conventional 800 MHz system.

In the R&O, the Commission decided that in order to be entitled to full interference protection against unacceptable interference, 800 MHz licensees must use mobile and portable voice radios with performance that equals or exceeds the following performance standards:

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[2] FCC 04-168, rel. Aug. 6, 2004, 69 FR 67823, Nov. 22, 2004.

- Voice units intended for mobile use: 75 dB intermodulation rejection ratio; 75 dB adjacent channel rejection ratio; -116 dBm reference sensitivity.
- Voice units intended for portable use: 70 dB intermodulation rejection ratio; 70 dB adjacent channel rejection ratio; -116 dBm reference sensitivity.

Mobile/portable units that do not meet this standard would be entitled to a lower level of protection. Con Edison reiterates its request that the Commission reconsider this decision.

Con Edison has approximately 3,300 mobile/portable units in operation in its iDEN system. When Con Edison purchased its iDEN system, mobile and portable units meeting these standards were not available, although mobiles and portables using other technologies were capable of meeting those standards. In any event, Con Edison purchased the best radios available at the time for use in iDEN systems. Replacing these almost new radios now with new iDEN radios meeting the higher performance TIA Class A standard would cost upwards of $6.6 million and would not be justified.

As Con Edison has previously noted in its comments in these proceedings, the TIA Class A standard as defined in ANSI/TIA-102.CAAB-A-2002 is a performance benchmark for the Project 25 air interface. The TIA standard itself is not applicable to Con Edison's system because the channel access method and modulation techniques used in the iDEN system are significantly different than those of the P-25 system and there is no published equivalent for iDEN systems.

Con Edison accordingly believes that its currently licensed and operating iDEN system should be grandfathered for full interference protection. If a licensee chooses to purchase and install radios after the effective date of the rules adopted in the R&O that do not meet the higher performance standard, then those licensees should be prepared potentially to accept a higher level of interference. However, since Con Edison purchased the best available radios at the time

for its iDEN system, it should not now be penalized by *ex post facto* regulations. Accordingly, Con Edison requests the Commission to allow it to receive the same level of interference protection that other licensees using TIA Class A equipment enjoy. To do otherwise would compromise the availability of reliable, interference-free communications to a Critical Infrastructure Industry licensee, such as Con Edison, and thereby jeopardize its ability to provide essential public utility services to its customers in a manner that protects the safety of its employees and the public it serves.

Alternatively, the Commission should establish a framework for granting waivers of the newly adopted performance standards in appropriate circumstances such as those described herein.

Respectfully submitted,

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