

Report and Order (R&O) in this proceeding, filed by Nassau County Police Department (NCPD) and the Society of Broadcast Engineers, Inc. (SBE). In the *R&O*, the Commission amended the rules in part 74, Broadcast Auxiliary Service (BAS), part 78, Cable Television Relay Service (CARS), and part 101, Fixed Microwave Service (FS) to permit stations in these services to use digital technology. It also made conforming amendments so that the stations in these services, which share frequency bands and use similar transmission technologies, will operate under consistent regulations. Specifically, the actions in the *R&O* permit BAS licensees to use digital modulation in all of the Aural and Television (TV) BAS bands; update and conform BAS and CARS rules with FS rules; simplify and streamline BAS processing via our licensing database, the Universal Licensing System (ULS); and allow the operation of Wireless Assist Video Devices (WAVDs) under part 74.

2. The Commission granted NCPD's petition to exclude WAVDs from the band 500–506 MHz (UHF–TV channel 19) in the New York/Northeast New Jersey (NY/NJ) area in order to protect incumbent public safety land mobile operations in that area. In addition we exclude, to a lesser extent, WAVD operation on adjacent bands 494–500 MHz (UHF–TV channel 18) and 506–512 MHz (UHF–TV channel 20) in that area. We also denied SBE's petition to treat composite, dual carrier analog/digital TV BAS emissions within a single channel as separate emissions.

3. On March 28, 2003, the NCPD filed a Petition for Reconsideration of the *R&O* asking that we exclude WAVDs from the band 500–506 MHz (UHF–TV channel 19) in the NY/NJ area. Additionally, on April 4, 2003, the SBE filed a Petition for Reconsideration asking that we: (1) Treat composite, dual carrier analog/digital TV BAS emissions within a single BAS channel as separate emissions; (2) accommodate elective registration of BAS Mobile TV Pick-up (TVPU) receive sites on the ULS; (3) confirm that multiple BAS emissions of reduced bandwidth are permissible on standard TV BAS channels; and (4) clarify that BAS RPUs may continue to operate with 20 and 25 kHz bandwidths in the 450/455 MHz RPU band.

A. Exclusion of WAVDs From UHF–TV Channel 19 in the NY/NJ Area

4. We agree with NCPD that WAVD operations should be excluded from the band 500–506 MHz (UHF–TV channel 19) in the NY/NJ area. First, we agree with NCPD that there is a need for

public safety land mobile use of UHF–TV channel 19, as evidenced by numerous existing public safety operations authorized under waiver on this channel in the NY/NJ area. We find that deployment of WAVDs on this channel in accordance with the rules as adopted in the *R&O*, *i.e.*, absent an exclusion, could thus pose a risk of interference to those public safety land mobile operations. We therefore exclude WAVD operation UHF–TV channel 19 in the NY/NJ area. We also exclude WAVD operation on adjacent UHF–TV Channels 18 and 20 in the NY/NJ area, to a lesser extent, consistent with the approach in the WAVD rules adopted by the *R&O*. We note that, because WAVDs are authorized on all 42 assignable channels, they may use other channels in the NY/NJ area to satisfy their communications needs, and thus this exclusion will not overly constrain WAVD deployment in the NY/NJ area. We also note that no WAVDs have yet been applied for or licensed, and we thus find that no existing WAVD licensee would be affected by this new exclusion. Accordingly, we granted NCPD's Petition and amend § 74.870(c)(4) to exclude WAVD operation on the band 500–506 MHz (UHF–TV channel 19) for a radius of 200 km around the coordinates listed in section 90.303 for the NY/NJ area, and on the bands 494–500 MHz (lower adjacent UHF–TV channel 18) and 506–512 MHz (upper adjacent UHF–TV channel 20) for a radius of 128 km around those coordinates.

B. Treatment of Composite, Dual Carrier Analog/Digital Emissions

5. In the *R&O*, the Commission decided that hybrid TV BAS systems, where an analog signal and a digital signal are transmitted in a single channel, would be treated as a single, aggregate emission regarding emission mask, emission designator, and Equivalent Isotropically Radiated Power (EIRP) determinations in the equipment authorization and station licensing processes. This approach conforms with the treatment of similar equipment used by the FS under part 101 and best addresses how various emissions fit within a single BAS channel. The Commission also adopted a similar approach for TV BAS composite systems under part 74. The Commission observed that hybrid and composite systems will accommodate both existing analog and new digital TV signals simultaneously over a common TV BAS channel, which will ease the transition to DTV. These systems provide a migration mechanism from using an analog signal to a combination analog/

digital signal, and eventually to only a digital signal. The Commission stated that conforming the treatment of these systems with existing rules for the FS under part 101 would simplify manufacturing processes, equipment authorization, and licensing.

6. We continue to believe that conforming the treatment of composite systems under part 74 with the aggregate treatment of hybrid systems under parts 74 and 101 would simplify equipment authorization and licensing for these systems without complicating or compromising frequency coordination. We note that, under the rules adopted in the *R&O*, manufacturers only need to ensure compliance with a single bandwidth, emission mask, and EIRP to obtain certification for their equipment, rather than conducting separate measurements for the analog and digital portions of their signal. Moreover, because TV BAS licenses in the 2 GHz band designate the upper and lower edges of the licensed channel, rather than the assigned center frequency, our approach provides licensees with flexibility to accommodate multiple signals within their assigned channel. Requiring separate emission designators, as requested by SBE, would reduce this flexibility because each emission must then be associated with a specific frequency. In addition, because such a change would entail a wholesale restructuring of the way TV BAS is licensed in the 2 GHz band, making the requested change would entail a restructuring of the ULS and a requirement for many licensees to modify their licenses to conform. With respect to frequency coordination, we reiterate that for specific composite systems, coordinators could determine individual technical and operational details and interference protection criteria via the manufacturer and model shown in the individual license record in the ULS or, when necessary, contact the licensee to obtain this information through the normal coordination process, as is appropriate wherever additional technical or operational details are needed. In response to SBE's concern regarding the determination of whether the analog or digital carrier is on the low or high side of the channel, we note that the licensee could similarly be contacted. Finally, because the need to accommodate analog emissions will likely decrease after transition to DTV, we believe that the utility of these transitional analog/digital systems, as well as any need to obtain additional technical details for frequency coordination, will be relatively short-