

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

In the Matter of	)	
	)	
Amendment of Parts 2, 73, 74 and 90 of the	)	ET Docket 03-158
Commission's Rules to Permit New York	)	
Metropolitan Area Public Safety Agencies to	)	MB Docket 03-159
Use Frequencies at 482-488	)	

**ORDER ADOPTING PROTECTIVE ORDER**

**Adopted: December 3, 2003**

**Released: December 4, 2003**

By the Chief, Media Bureau:

1. On December 5, 2002, the Police Department of the City of New York (Department) submitted a report to the Commission regarding the allocation of TV channel 16 in the New York Metropolitan area. Accompanying the report was a Technical Report, presented in both a redacted and complete format that described the public safety communications infrastructure in the New York Metropolitan area. Subsequent to the submission of the report the Commission commenced the above proceedings.<sup>1</sup>

2. To facilitate resolution of these proceedings, The Department offered on November 13, 2003, to provide interested parties who have submitted comments in the proceedings access to the Technical Report, conditioned on the Commission's confirmation that "the information provided be treated as confidential under Sections 0.457 and 0.459 of the Commission's rules."<sup>2</sup> The Department states that the information is entitled to confidential treatment because of the need to protect critical systems, facilities, and other law enforcement assets from security breaches and harm and that the release of this information would endanger the life or physical safety of law enforcement personnel and citizens.

3. The Comments and Reply Comments submitted in these proceedings indicate the requests of parties to review the Technical Report. It is appropriate to provide this information, so long as the confidentiality of this information is maintained and the parties agree to abide by the conditions contained in the Commission's Order. The public interest will be served by issuing the attached Protective Order (Appendix A). It will afford parties who have filed Comments and/or Reply Comments in the above proceedings access to the information while maintaining the security of the information. Granting the attached Protective

<sup>1</sup> Notice of Proposed Rulemaking in ET Docket No. 03-158 and MB Docket No. 03-153, FCC 03-165, released July 10, 2003.

<sup>2</sup> 47 C.F.R. §§0.457 and 0.459

Order will also facilitate the prompt resolution of the issues raised in this proceeding.

4. Parties may file supplemental comments based on their review of the material covered by the protective order. Comments are due December 29, 2003 and Reply Comments are due January 5, 2004.

5. ACCORDINGLY, IT IS ORDERED, that the request for confidential treatment is GRANTED consistent with the attached Protective Order.

**FEDERAL COMMUNICATIONS COMMISSION**

W. Kenneth Ferree  
Chief, Media Bureau