

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

In the Matter of
JERSEY CITY, NEW JERSEY,
POLICE DEPARTMENT
Application and Waiver Request Pursuant to
Section 337 (c) of the Communications Act of
1934, as Amended, and Section 1.925 of the
Commission's Rules for Use of Certain Public
Land Mobile Channels
File No. 0000472841

ORDER

Adopted: August 10, 2001

Released: August 13, 2001

By the Deputy Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On August 10, 2001, the Port Authority of New York and New Jersey ("Port Authority") and the City of Jersey City, New Jersey, Police Department ("Jersey City") filed a joint motion for extension of time (Joint Motion)1 to file comments in the above-captioned matter. For the reasons discussed herein, we grant the Joint Motion.

2. On June 19, 2001, we released a public notice requesting comments on the Jersey City's above-captioned waiver request; comments were due on June 29, 2001, and reply comments were due on July 5, 2001.2

3. Jersey City's application and waiver request conflicts with an application and waiver request filed by Port Authority.3 Jersey City opposes Port Authority's application and waiver request.4

4. On June 26, 2001, Port Authority filed an initial Motion for Extension of Time.5 The Motion requested that we extend the time to file comments by three weeks, from June 29, 2001 to July

1 Port Authority and Jersey City Joint Motion for Extension of Time (filed Aug. 10, 2001) (Joint Motion).

2 See Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by the Jersey City, New Jersey, Police Department to Obtain a Public Safety License for Eighteen UHF Paging Control Frequencies, Public Notice, DA 01-1422 (WTB PSPWD rel. June 19, 2001).

3 See File No. 0000406695; see also Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by the Port Authority of New York and New Jersey to Obtain a License for Twelve Unassigned UHF Paging Control Frequencies, Public Notice, 16 FCC Rcd 7930 (WTB PSPWD 2001).

4 Opposition of the City of Jersey City, New Jersey (filed Apr. 20, 2001).

5 Port Authority Motion for Extension of Time (filed June 26, 2001).

20, 2001, in order for the Port Authority to analyze and respond fully to Jersey City's waiver request. On June 29, 2001, we granted that motion, extending the deadline for filing comments to July 20, 2001, and the deadline for filing reply comments to comments to July 27, 2001.⁶

5. On July 19, 2001, Port Authority and Jersey City filed a initial joint motion for extension of time, indicating that discussions between the two parties have been positive and have resulted in a mutually acceptable framework for resolving differences.⁷ On July 23, 2001, we granted that motion, extending the deadline for filing comments to August 10, 2001, and the deadline for filing reply comments to August 17, 2001.⁸

6. On August 10, 2001, Port Authority and Jersey City filed the instant Joint Motion, indicating that the parties remain in significant discussions, which the parties believe will result in the settlement of this matter.⁹ The parties indicate that additional time is needed to obtain more information from non-party third sources, which the parties indicate have been difficult to obtain.¹⁰

7. While the Commission does not routinely grant motions for extension of time,¹¹ in light of the complexity of public safety spectrum issues in the New York City metropolitan area, we believe that Port Authority and Jersey City have presented good cause for the requested extension. As we noted in granting the initial Motion and Joint Motion, we are particularly persuaded by the parties' statement that such extension will facilitate discussion between the parties representing Port Authority and Jersey City, with the hope of resolving the differences between the parties. In view of the foregoing, we conclude that granting the instant Joint Motion would serve the public interest. We note, however, that we do not contemplate granting any further extensions of the time for filing comments in this proceeding.

8. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, the Joint Motion for Extension of Time filed by the Port Authority of New York and New Jersey and the Jersey City, New Jersey, Police Department on August 10, 2001, IS GRANTED.

9. IT IS FURTHER ORDERED that the deadline date for filing comments filed in the above-captioned matter pursuant to the *Public Notice*, DA 01-1422, is August 31, 2001, and the deadline for filing reply comments to comments received is September 7, 2001.

⁶ Jersey City, New Jersey, Police Department, *Order*, DA 01-1545 (WTB PSPWD PRB rel. June 29, 2001).

⁷ Port Authority and Jersey City Joint Motion for Extension of Time (filed July 19, 2001).

⁸ Jersey City, New Jersey, Police Department, *Order*, DA 01-1744 (WTB PSPWD PRD rel. July 23, 2001).

⁹ Joint Motion at 1.

¹⁰ *Id.*

¹¹ 47 C.F.R. § 1.46(a).

10. 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
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