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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
CONSOLIDATED EDISON COMPANY OF) Acct. No. X32080027
NEW YORK, INC.) File No. EB-00-IH-0076/GS
)
Licensee of 93 Land Mobile)
Radio and 50 Microwave)
Authorizations in the New York)
City Metropolitan Area)

MEMORANDUM OPINION AND ORDER

Adopted: August 22, 2000 Released: August 23,
2000

By the Chief, Enforcement Bureau:

1. By this Memorandum Opinion and Order we adopt the attached Consent Decree in which Consolidated Edison Company of New York, Inc. ('`Con Edison') agrees to implement an internal compliance program and to make a voluntary contribution to the United States Treasury. We find, for the reasons discussed below, that the Consent Decree provides for a just and reasonable resolution of the Bureau's investigation into Con Edison's compliance with Section 310(d) of the Communications Act of 1934, as amended, and conclude that adoption of the Consent Decree is in the public interest.

2. Con Edison is engaged in producing, transmitting, and distributing electricity, natural gas, and steam to customers in

New York City and Westchester County (New York). In connection with these activities, Con Edison is the licensee of 93 land mobile radio authorizations and 50 microwave authorizations. Con Edison uses these authorizations for a communications system to safely and efficiently coordinate the control, monitoring, and repair of its generation, transmission, and distribution facilities, including communications with work crews responding to service requests, power outages, and related troubles.

3. On January 1, 1998, Con Edison carried out a corporate restructuring which resulted in the pro forma transfer of control of Con Edison's land mobile and microwave stations. Con Edison was required to obtain Commission consent to the transfer of control prior to consummating the transaction, pursuant to Section 310(d) of the Act. It did not obtain Commission consent, however, until April 1999.

4. The Bureau has reached an agreement with Con Edison that will resolve this investigation. The terms and conditions of the agreement are contained in the attached executed Consent Decree. Among other things, the Consent Decree contemplates that Con Edison will implement a program to ensure its future compliance with the Act and the Commission's rules and policies. In addition, the Consent Decree contemplates that Con Edison will make a voluntary contribution to the United States Treasury in the amount of \$5,000.00.²

5. We have reviewed the Consent Decree and evaluated the circumstances underlying the investigation. We believe that the public interest would be served by adopting the Consent Decree and terminating the investigatory proceeding.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to delegated authority, the Consent Decree attached hereto IS ADOPTED.

7. IT IS FURTHER ORDERED, that the above-captioned investigatory proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹ 47 U.S.C. § 310(d).

² Payment may be made by credit card through the Commission's Credit and Debt Management Center at (202) 418-1995 or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the Acct. No. referenced above.