

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN Q. ABERNATHY

Re: Auction of Licenses in the 747-762 and 777-792 MHz Bands (Auction No. 31) Postponed Until January 14, 2003; Auction of Licenses in the 698-646 MHz Band (Auction No. 44) Will Proceed as Scheduled (adopted May 23, 2002)

The compromise resolution we reach today is far from elegant, but I believe it best balances the conflicting demands placed on us by the statute, congressional activity, sound spectrum management, and the public interest.

I look forward to holding the lower 700 MHz auction on time and the deployment of new services into the “white space” in those bands. Unlike the upper band, where band clearing seems more viable, the lower 700 MHz band is not likely to clear in the short term. In the interim, I believe there is a valid public interest in allowing new services into the “white spaces” rather than allowing that spectrum to remain fallow indefinitely. In turn, we have adopted a licensing scheme that facilitates this goal. As I have stressed repeatedly in recent weeks, spectrum management in this age requires a diverse set of tools — including initial allocations in all shapes and sizes. Here we adhere to that principle and will auction spectrum in large regions and MSA/RSAs, in paired and unpaired blocks. I am particularly pleased that we are moving forward because of the potential for rural providers to access an additional 12 MHz of spectrum via MSA/RSA licensing.

Regarding the upper 700 MHz band, I support the brief delay we adopt here. As I have stated for months, it serves the public interest to hold both auctions before the end of the year absent a change in the statute. Recently, some key advocates in the public safety community sought a short delay of this auction. One of my primary policy motivations for going forward with the upper 700 MHz auction was to promote public safety access to the critical spectrum resources in that band — particularly the vital interoperability channels. The public safety community’s interest in delay, combined with the activity on Capitol Hill and the brevity of the delay, convinced me that we are pursuing the proper course.