

**SEPARATE STATEMENT OF  
COMMISSIONER KEVIN J. MARTIN**

*Re: Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands; Loea Communications Corporation Petition for Rulemaking, Notice of Proposed Rulemaking, GEN Docket No. 02-XX, RM-10288*

I am pleased to approve this item, which initiates a rulemaking to enable commercial use of the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands. As I have previously discussed, the amount of available spectrum is ultimately limited only by technology. *See generally* Separate Statement of Commissioner Kevin J. Martin, *Amendment of Part 2 of the Commission's Rules To Allocate Spectrum Below 3 GHz for Mobile and Fixed Services To Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 16043 (2001). This item is a perfect illustration of that point. The 71-76 GHz, 81-86 GHz, and 92-95 GHz bands – which have wavelengths of about three to five millimeters – have never before been used commercially, and it was previously unclear how these bands could be used. Now, commercial interests are experimenting with different uses for these bands, and this spectrum may ultimately be used commercially for high-speed wireless local area networks, broadband access systems for the Internet, point-to-point communications, and point-to-multipoint communications. I am glad that, through this rulemaking, we can enable these kinds of commercial uses.

While, at present, the Commission must regard spectrum as a scarce natural resource, I am hopeful that future technological development will reduce this sense of scarcity – by allowing us to use previously unusable spectrum bands and enabling us to use the spectrum we are already using more efficiently. Today's item only increases my optimism.