

SEPARATE STATEMENT OF COMMISSIONER JONATHAN S. ADELSTEIN

Re: In the Matter of Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands; IB Docket No. 01-185, IB Docket No. 02-364(Adopted January 29, 2003)

The issues addressed in today's Report and Order have been heavily debated before the Commission for almost two years, and I commend the staff for its hard work on this often contentious issue. I also commend the Chairman and my fellow Commissioners for their collective leadership on such a difficult and challenging matter. I am hopeful that today's decision facilitates the provision of mobile satellite services, particularly in those areas of the country, including rural areas, which currently are underserved by other wireless services.

I remain concerned, however, that our decision raises the possibility of unintended consequences – our decision should not allow a Mobile Satellite Services (MSS) system with an ancillary terrestrial component to evolve into a terrestrial system with an ancillary mobile satellite component. I thus write separately to underscore my commitment to ensuring that mobile satellite service licensees fully comply with the so-called “gating” restrictions prior to receiving ancillary terrestrial authority. I will pay particular attention to MSS licensees not presently operating systems to make certain that they satisfy the gating requirements by operating their own satellite facilities and providing substantial satellite service to the public prior to receiving authority to provide terrestrial services. I also intend to ensure that the restrictions are maintained throughout the grant of ancillary terrestrial authority by all MSS licensees.

Finally, I also share a keen interest in Congressional consideration of a grant of fee authority to the Commission.