

SEPARATE STATEMENT OF COMMISSIONER MICHAEL J. COPPS
Approving in Part, Dissenting in Part

*Re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems; ET Docket No. 00-258
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band; IB Docket No. 99-81(Adopted January 29, 2003)*

I write separately because I believe that the Commission should not abandon a substantial amount of rare globally harmonized satellite spectrum.

In today's Order the Commission decides to reallocate 10 MHz of globally harmonized spectrum as part of a reallocation of a total of 30 MHz from mobile satellite services (MSS) to advanced wireless services (AWS). I fully support the goal of providing adequate spectrum to new terrestrial services, and would have provided exactly the same amount of spectrum for AWS. My preference, however, was to choose less problematic frequencies.

The United States led the fight to win globally harmonized MSS spectrum in 1992. Soon thereafter, however, the Commission abandoned the plan to have a world-wide MSS band and allocated 10 MHz to PCS. This reduced by one-third the globally harmonized spectrum available to fledgling MSS operators, although it provided much-needed spectrum to PCS operators. This action engendered significant international disappointment and injured U.S. spectrum planning credibility.

Now we reallocate 50 percent more of the remaining globally harmonized MSS spectrum to AWS, leaving MSS licensees with only a third of what was originally fought for by U.S. negotiators. This will raise costs of satellite design and construction, make trans-national interference coordination more difficult, especially where satellite and terrestrial licensees must coordinate, and may further erode U.S. credibility internationally when we next fight for harmonized spectrum.

Maintaining MSS use of this spectrum certainly has costs. The majority believes that abandoning globally harmonized spectrum is necessary to reduce possible future interference. Reducing potential interference both to PCS and MSS is critically important. However, claims of potential interference were raised extremely late in this proceeding and the effect on interference of our decision is poorly understood, at best. If concerns about interference exist, we should confront them directly, seeking the efficient level of protections and a solution that doesn't do damage to our standing in the international community, if possible. For me, the values described above, and hard-won, globally harmonized spectrum, are just too valuable to walk away from.