

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands; WT Docket No. 02-146

One of my goals as a policymaker is to maximize the services and information that flow over our airwaves. We already have seen the great success of WiFi, the rollout of broadband over satellite, and the continued deployment of high-speed connections over cellular and PCS spectrum and in the MDS/ITFS bands. Today, we continue to promote the development of wireless broadband by adopting service rules for wireless devices in the 71-76 GHz, 81-86 GHz and 92-95 GHz bands (70/80/90 GHz bands). Some of the services proposed for these bands include fiber-like first and last mile connections and wireless local area networks.

I am particularly pleased with our service rules for the 70/80/90 GHz bands because the licensing approach we adopt today truly serves the public interest. In Commission parlance, the item provides for a non-exclusive nationwide licensing approach with site-by-site coordination. In layman's terms, we are making it easy for our licensees to get access to spectrum for really fast connections – gigabit speeds. Of course, we do not yet know what the market will look like or what the equipment will cost, but we have made the FCC part of the equation as simple as possible.

While I continue to support auctions to resolve cases of mutual exclusivity for applicants seeking wide-area licenses (such as in the Advanced Wireless Services item we also adopt today), the public interest is not always served by adopting a licensing scheme that creates mutual exclusivity. We already have held auctions for spectrum similar to 70/80/90 GHz, only to see that spectrum lay relatively unused for years – that outcome does not serve the public interest.

We had an opportunity here to break that mold, and I am glad we did. In the context of spectrum management, I have said before that different spectrum bands require different approaches. It would be easier for all of us if we could do a “one size fits all” approach, but we cannot. Simply put, some bands, like 70/80/90 GHz, may be better suited for coordinated use; some bands (like the AWS bands) are not. Just as some bands will require unique interference criteria based on propagation characteristics, others may be subject to frequent coordination with NTIA.

But no matter what licensing approach we choose, we can, and have today, put in place a framework of rules and policies that will foster innovation in the 70/80/90 GHz bands more naturally. A framework that ensures interference issues are addressed, but allows technologies to flourish. A framework that encourages a market-based approach to spectrum management. A framework that gets spectrum and wireless broadband in the hands of people who will use it – no matter where they are, and no matter when they realize they might need the spectrum.