

**STATEMENT OF COMMISSIONER**  
**MICHAEL J. COPPS**

***Approving in Part, Concurring in Part***

October 16, 2003

*RE: Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands (Report and Order; WT Doc. No. 02-353).*

Advanced Wireless Services, such as 3G and IMT-2000, obviously hold tremendous potential for consumers. I join my colleagues and the Bureau in hopes that these service rules and the auction process will bring about a robust and efficient use of this spectrum, which is exactly what we are supposed to be encouraging. I also hope that as we design the specifics of the auction, we will work hard to learn from those countries where the 3G rollout is moving ahead successfully and from countries where 3G auctions may have contributed to problems.

While I approve of the majority of this Order, I have serious concern with the Commission's decision to move ahead without consolidation protections in the form of a spectrum aggregation limit. Under the rules we adopt today, one company could apparently end up controlling the entire AWS band in a city or a geographic region, leaving no AWS spectrum for competitors. That's a result I do not like. But we have arrived at this point because the Commission eliminated the overall spectrum cap more than a year ago, in a decision from which I dissented. So the Commission has already crossed the Rubicon. Establishing a limit for one band alone will not fix the larger mistake that we have already made. Consumers benefit from the competition that we enjoy in wireless services today, and we should protect it. So I continue to believe that we would be better served by protection against one company dominating too much spectrum in a particular city or region, and my concurrence instead of approval is intended to make this point.

Thank you.