

**STATEMENT OF
COMMISSIONER KEVIN J. MARTIN,
CONCURRING IN PART**

*Re: Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04-186),
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz
Band (ET Docket No. 02-380), Notice of Proposed Rulemaking*

While I am pleased that this proceeding has the potential to encourage new and innovative unlicensed services, I remain concerned about the proceeding's impact on the broadcasters and their transition to digital television. *See Separate Statement of Commissioner Kevin J. Martin, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, Notice of Inquiry, ET Docket No. 02-380 (Dec. 11, 2002).* Accordingly, I concur in this item.