

**SEPARATE STATEMENT OF  
CHAIRMAN MICHAEL K. POWELL**

*Re: In the Matter of Wireless Operations in the 3650-3700 MHz Band (ET Docket No. 04-151); Wireless Operations in the 3650-3700 MHz Band (WT Docket No. 05-96), Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band (ET Docket No. 02-380); Amendment of the Commission's Rules With Regard to the 3650-3700 MHz Government Transfer Band (ET Docket No. 98-237), Report and Order and Memorandum Opinion and Order (Adopted March 10, 2005)*

I am delighted that we are today opening this 50 MHz of spectrum for the provision of wireless broadband for consumers, especially in rural areas. This spectrum has been underutilized for far too long. The innovative rules we are adopting will make this spectrum available with minimal regulatory burdens. Thus, it should be attractive to entrepreneurial WISPs, community-based networks, and others interested in providing broadband in rural communities. With our flexible technical rules, this spectrum is also a potential home for new innovative technologies, such as WiMAX.

Identifying the best approach for this band has not been easy. The existing satellite earth stations and grandfathered Federal radar stations in this band must be protected. They severely curtail possible use of this spectrum to serve a substantial portion of the U.S. population. Coming up with an approach that provides the needed safeguards but still effectively allows new uses of the spectrum has been a difficult challenge – but a challenge that I am pleased that we have been able to meet.

Last April, we adopted a Notice of Proposed Rulemaking that took a hard look at 50 MHz of spectrum in the 3650-3700 MHz band. Since then, the Commission has received over a hundred comments about specific proposals that could potentially allow the use of unlicensed and or licensed terrestrial services in these bands. Today, we adopt a new approach that takes all of these views into account, and incorporates elements of both the Commission's licensed and unlicensed models in a hybrid approach that is best suited to the distinctive characteristics of this band.

I believe the Order carefully balances competing factors, minimizes the potential for harmful interference, and provides sufficient operating power and flexibility to help speed the introduction of new services to the marketplace. The streamlined licensing and registration process we adopt will provide additional spectrum for entrepreneurial WISPs for the expansion of wireless broadband services with minimal regulatory burdens. In addition, it will provide additional flexibility for a variety of base-station-enabled mobile terrestrial operations and protect incumbent grandfathered satellite earth stations and federal government radiolocation stations from harmful interference.

I commend the staffs of the Office of Engineering and Technology and the Wireless Telecommunications Bureau for their hard work on this complex item, working closely with their counterparts in the International Bureau. Only through these collaborative efforts have we been able to cut the Gordian Knot of the 3650 MHz band.