SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN

Re: Wireless Operations in the 3650-3700 MHz Band (ET Docket No. 04-151); Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band (ET Docket No. 02-380); and 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

In many respects, this is a bold decision. Based on some circumstances unique to the 3650-3700 MHz band, our decision bucks conventional wisdom, and puts in place rules and procedures that are intended to maximize multiple licensed users sharing spectrum in the same geographic area. While not a traditional "unlicensed" model, we have taken appropriate steps to significantly lower barriers to entry. The approach we are taking here should make it much easier for this spectrum to get in the hands of people who are ready and willing to use it.

This follows in the footsteps of our decision in the 70/80/90 GHz proceeding that also broke new ground in our approach to spectrum licensing. I think this reflects a positive trend at the Commission. We need to find the right balance between a licensing model for traditional, area-wide mobile systems, and a model for services such as those proposed for the 3650-3700 MHz band – a band that ultimately may serve a different user group, one that often is driven by more localized, community based needs.

We want to take advantage of the WiFi movement and take it to another level. I realize that we could not do everything the mesh network community had hoped for – we had to ensure that incumbents are properly protected – but we put in place a regime that doesn't rely on first in time and provides equal access to all.

I support our decision today. Of course, only time will tell if the novel decisions we make here result in increased use of this encumbered spectrum band. But I think that given the success of unlicensed wireless networks, we are on the right track, and our creative spectrum management approach is well justified.