

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems; Ninth Report and Order; ET Docket No. 00-258

I am pleased to support this item because it puts in place important relocation procedures that will apply to a number of services in the 2.1 GHz band, in particular Broadband Radio Service (BRS) licensees in the 2150-2160/62 MHz band. Our decision is particularly significant because the adopted procedures are another important step in our efforts to prepare for the upcoming Advanced Wireless Services (AWS) auction later this summer, as a subgroup of AWS licensees ultimately will be responsible for relocation of these BRS operators.

While we generally adopt our Emerging Technology (ET) policies for relocation that have served the Commission so well over the past decade, we make a number of important adjustments to this overall structure to reflect the specific types of services offered by existing BRS operators. For example, we will allow BRS incumbents to fully use existing throughput by adding customers even if such changes would increase the size of service area subject to relocation. We also will require that BRS operators be relocated on a system-by-system basis, not link by link as we have done with other relocation efforts. These are important changes to our ET policies that were critical for my support of our decision today. I very much appreciate the effort of our Office of Engineering and Technology staff in crafting this carefully balanced item that considers the needs and requirements of both new AWS entrants and current BRS licensees with operational subscriber-based systems.

I do have one lingering concern, though, because we were unable to adopt self-relocation procedures that would have allowed BRS operators to initiate involuntary relocation after some type of waiting period. Self-relocation procedures have proven to be a useful tool in promoting timely and prompt spectrum relocation proceedings in the past. I am hopeful that my concerns are misplaced and that relocation will occur on an expedited basis notwithstanding our lack of a self-relocation policy.