

**CONCURRING STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

*Re: Auction Of Advanced Wireless Services Licenses Rescheduled For August 9, 2006;
Revised Schedule, Filing Requirements And Supplemental Procedures For Auction No.
66; AU Docket No. 06-30*

It is disappointing that the Commission has allowed the designated entity (DE) proceeding to affect the timing of the upcoming Advanced Wireless Services (AWS) auction. I concur in this item because I am told that a delay in the auction is necessary to allow parties more time to make necessary preparations in response to the Commission's April 25, 2006, decision adopting various changes to the DE rules – a decision from which I largely dissented. Needless to say, this is not the outcome I hoped for when I first advocated a single, simple, change to the DE rules more than nine months ago.

I am disappointed that we are in this position because I made every effort to conclude the DE proceeding well in advance of our June 29, 2006, auction date, a date to which I had steadfastly been committed. I had tried to move this proceeding forward since August of last year when the Commission first committed to consider a change to the rules to restrict the ability of DEs who have a material relationship with the nation's largest wireless carriers from having access to bidding credits in future auctions. We could have and should have been done with the DE proceeding months ago. In previous statements, I even expressed my concern with the effect of the delay on both interested parties and our own Commission staff in trying to conclude an unnecessarily expansive review of the DE program sufficiently in advance of the June 29 AWS auction date. But as I have said before, this timing has not been of my choosing.

And, ultimately, the simple, and well supported, change to our rules to close the loophole in our rules that allows large wireless companies to invest in DEs was never adopted. We missed a real opportunity to shut down what almost everyone recognizes has the potential for the largest abuse of our DE program. And now it appears that the changes that the Commission did adopt may actually do more harm than good to the DE participation in the upcoming auction, notwithstanding this last-ditch effort to cure this troubled proceeding.