

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Qualcomm Incorporated Petition for Declaratory Ruling, WT Docket 05-7, Order

Let me begin by saying I agree with the Bureau's conclusion that OET-69, with certain modifications, is an acceptable methodology for demonstrating compliance with incumbent broadcaster protection requirements. The modifications strike me as reasonable and appropriate.

The proceeding raised another difficult issue that troubled me. It is the level of permissible predicted interference with broadcasters currently operating in the 700 MHz band. Certainly, I want to take all appropriate steps to enable the petitioner in the above-captioned item to provide its innovative subscription-based mobile video service in advance of the DTV transition. At the same time, we must ensure that this new service does not materially interfere with the ability of broadcasters to provide free, over-the-air programming to their customers (including Spanish language programming in at least one large market). Though I would have preferred stronger protections for broadcasters currently operating in the 700 MHz band, I believe today's decision represents a reasonable compromise that reflects the unique importance of free, over-the-air broadcasting in American life. I especially appreciate the willingness of the Chairman and my colleagues to work with me to reach this result. Thanks to the Bureau and also to OET for helping us sort through this complex issue.