STATEMENT OF
COMMISSIONER MEREDITH A. BAKER

Re: Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04-186; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, Second Memorandum Opinion and Order, ET Docket No. 02-380

I am excited about today's TV White Spaces item. I believe it represents real progress in enabling and empowering innovation and entrepreneurship in cutting edge technologies. Today's item is a solid building block for spectrum policy. It is a win for American leadership in the wireless space that has the potential to transform the way we use congested spectrum, to take the "mobile revolution" to new levels. I hope that the pioneering work that has been done to engineer TV Band devices will lead to similar approaches for other spectrum bands. There are "white spaces" in all parts of the spectrum and we need to use them more effectively.

Today, we clarify the conditions under which unlicensed devices can use TV white spaces. It is a defining step in a process that began many years ago. The ample record reflects the wide range of views in this complicated area. I take them all very seriously. The item before us reflects the staff's hard and careful analysis and strikes an appropriate balance.

There is still work ahead of us. I hope other users of the TV Bands, like wireless mics, will make every effort to ensure that the technology solutions they develop and deploy use the spectrum, which is necessarily constrained in certain parts of the country, as efficiently as possible. In this regard, in particular, I believe there is much that can and should be done.

There are three areas in this item where I hope we will take additional action in the near future to advance our spectrum policy and ensure its alignment with the needs and requirements of the millions of people across the country that use wireless technologies every day.

First, I support the approach we are taking today with respect to the development of a TV Band geolocation database. A robust, reliable and secure database is critical to the successful deployment of TV Band devices. We are giving appropriate latitude to the Office of Engineering and Technology to develop the regulations and requirements that will govern the TV Band Database. I hope Julie and his team can complete their work on a timely basis. I look forward to working on the details with them. It is important to define an approach that includes adequate safeguards to ensure that the database is as accurate, user-friendly and accessible as possible. Setting appropriate standards for database maintenance while leaving the database architecture open for customization and advanced services fosters the twin goals of empowering innovation and ensuring that novel uses of white spaces don't harmfully interfere with incumbent users.

In this regard I reiterate my view that for this and any form of dynamic spectrum access to work, our guiding principle must always be that we do not harm legitimate incumbent operations. Broadcasters' rights, in particular, must be respected and protected. We must ensure oversight and enforcement of our rules applicable to the band, including the rules governing the operation of the database.

Second, I hope that equipment developers and device manufacturers will continue their work on sensing technologies and take advantage of the flexible approach outlined in the item. I appreciate the well-articulated concern that requiring *both* sensing and database consultation could have a chilling effect on the initial deployment of white space devices. However, I am hopeful that the widespread commercial deployment of sensing technologies will play a critical role in increasing access to spectrum not only in the TV white spaces but in other spectrum that from time-to-time or in certain locations lies fallow. Sensing technologies have shown great promise in other contexts, including Department of Defense research, and I look forward to finding ways to encourage and advance their deployment for commercial purposes.

Finally, it is important that we address additional proposals to set aside TV channels in rural areas for fixed licensed backhaul in the very near future. The ability of both new and incumbent wireless providers to provide 4G wireless services ubiquitously is dependent upon a robust wireless infrastructure that is too often lacking in rural areas. The prospect of fixed licensed backhaul in the TV bands holds great merit and I would hope that we could move forward along the lines that have been proposed as soon as we have completed our official analysis of TV spectrum availability.

I would like to add my thanks to Julie and Ruth and their teams who have been working on this item for so many years. Today we have taken a real step forward.