

**STATEMENT OF
COMMISSIONER AJIT PAI
APPROVING IN PART AND CONCURRING IN PART**

Re: *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, Order on Reconsideration and Second Report and Order*, GN Docket No. 12-354

The 3.5 GHz proceeding is an experiment. Federal users occupy much of the band, and even though they make little use of the spectrum across large parts of the country, their operations have prevented others from utilizing it. So for years, the FCC has been working to find creative ways to let consumers use this spectrum.

The FCC would like to test a theory—to see if we can implement a sharing regime that will allow a mix of innovative offerings to flourish. Have we struck the right balance? Will we see a variety of providers and technologies competing in the band? I can't say for sure. It remains to be seen whether we can turn today's spectrum theory into a working reality.

For my part, I have not agreed with every decision that has been made in this proceeding. It is no secret that I have pushed for the FCC to shrink the exclusion zones and move much more quickly to open them up to consumer use. I have also said that the FCC should be creating greater incentives for providers to invest in this band. Indeed, the IEEE 802.11 Working Group has expressed little interest in developing a technical standard for this band because of these issues.¹

But notwithstanding my concerns, I appreciate that we have made some progress over the course of this proceeding. For instance, we earlier eliminated the 20 MHz spectrum set-aside for favored groups. We extended the initial license terms. We found a way to ensure that wireless Internet service providers can continue to deploy broadband to rural consumers rather than freezing them out during the transition to a new 3.5 GHz regime. And we adopted a mechanism that will allow more licenses to be issued.

Today's decision marks yet more incremental progress. One benefit I'd like to focus on involves rural Americans. Under our prior 3.5 GHz order, consumers in rural areas would not have been able to obtain any service that required quality of service assurance, including broadband, if only one provider was willing to serve them. Why? Because our rules limited Priority Access Licenses (the only ones that include interference protection) to areas where multiple providers sought them. Having grown up in rural Kansas, and having visited many rural communities in my time on the Commission, I can tell you that it is often difficult enough to get interest from one provider, let alone two.

So I made a proposal to my colleagues, and we were able to get a deal done. We will now be making a Priority Access License available in rural areas even when there is only one provider that seeks to obtain it. This should offer a greater incentive for wireless Internet service providers and others to bring a mix of technologies to rural America. I thank my colleagues for agreeing to this idea and will be voting to approve in part and concur in part.

¹ Comments of IEEE 802.11, GN Docket No. 12-354 (July 13, 2015), <http://go.usa.gov/3h8Eh>.