

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL
APPROVING IN PART, DISSENTING IN PART**

Re: *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95 and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, GN Docket No. 14-177, WT Docket No. 10-112, Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking (June 7, 2018)

If we want our 5G future to be bold, we have to acknowledge right here and now that the policies that made us successful in the past may not be the policies that lead to victory in the future. That's because if we want to be first to the future, we have to move past same-old, same-old spectrum policy and embrace new tools and techniques.

In many ways, the actions we take today do just that. We take steps to clarify just how we will make more high-band spectrum available for commercial use. We update our performance requirements to provide licensees with flexibility for innovative services beyond just the voice and data universe we know today to one custom-built for the internet of things. That's important, because this agency needs to recognize that 5G service is about much more than smartphones. We also ensure operability in the 24 GHz band, preventing a future with the kind of device ecosystem problems we have seen in the past. In addition, we make clear that we will preserve a sharing framework in the 37 GHz band. This is important for continued investment and innovation through new spectrum access models.

But in other respects, I'm afraid today's action falls short. Specifically, the decision here to limit any pre-auction limits for high-band spectrum and replace them all with post-auction case-by-case review misses the mark. On this aspect of our decision, I dissent.

To be fair, there may be reason to think that bright-line pre-auction limits on millimeter wave spectrum are unnecessary, given the real technical challenges of bringing this spectrum to market. I also recognize that striking the right balance is not easy at this early stage in the development of 5G service.

However, as our national providers seek to grow bigger and fewer in number, it is important we take steps now to avoid undue aggregation of spectrum in these new markets. This is not some radical notion. It has long been a bedrock of wireless policy. Moreover, it's an obligation under the law, as section 309(j) charges us with avoiding excessive concentration of licenses by disseminating licenses among a wide variety of applicants.

This principle becomes even more important when you consider that the FCC is timidly moving to auction millimeter wave bands one by one instead of boldly all together. It also has yet to put on a public calendar just when additional airwaves will be made available. These are confusing signals to send to the marketplace. We need to fix them. We need to be more thoughtful about our auctions because while our supply of high-band spectrum is increasing, the

list of potential bidders may be shrinking. We need to structure each and every one of our auctions going forward in a way designed to bring in different spectrum interests with new ideas that may not always look like the bidders of the past. After all, more participation is bound to yield a better auction and a brighter 5G future.