

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177

Today, we implement a process to modify and rationalize existing 39 GHz licenses, which will enable incumbent licensees to provide next-generation services. By adopting an incentive auction format for these bands, incumbents will have the choice and flexibility to either keep or expand on their spectrum holdings in a market or to sell their licenses to other auction participants. This model should ensure that licenses will go to those that value them the most and are most likely to deploy next-generation services. I approve.

While I acknowledge that this is not the simplest of processes, we must accept the reality we face. Here, as in other bands we look to repurpose, incumbents' varying spectrum holdings often do not fit neatly into any workable geographic area for providing 5G services. Ultimately, this entire item highlights the difficulties and the innovative lengths to which we will go to find clean spectrum. To make the large-scale investments required for new technologies, licensees continue and appropriately want cleared, exclusive use licenses, covering significant geographic areas. While some have visions of a permanent move to a sharing paradigm, clean, licensed spectrum has been the hallmark of our spectrum policy in the past and will continue to be going forward. However, using creative mechanisms, like this one, to create exclusive use licenses may become more of a mainstay.

Finally, this agency has put in countless hours opening these millimeter wave bands – and others – for next-generation services. These decisions were based on public comment; negotiations between federal agencies, satellite providers, and the wireless industry; and studies regarding how incumbent services can coexist with new terrestrial uses. Companies have made spectrum investments in reliance on our prior adopted orders. Any attempts to undermine these decisions cannot be tolerated. The U.S. needs to finalize its World Radiocommunication Conference proposals to advocate for global harmonization of this band.