

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Spectrum Horizons*, ET Docket No. 18-21; *James Edwin Whedbee Petition for Rulemaking to Allow Unlicensed Operation in the 95-1,000 GHz Band*, RM-11795 (proceeding terminated).

Welcome to the far frontier of spectrum policy—the airwaves above 95 GHz. Today we put these stratospheric frequencies to use by adopting a new set of experimental rules for their operation. Access will be granted on a non-interfering basis, following federal coordination. In addition, we authorize unlicensed activity in a set of four bands and specify the power limits and out-of-band emission limits for their operation.

This is good for starters. However, going forward we need to remember that the policies that led to spectrum success in lower frequencies won't necessarily be the policies that serve us in these way-up-there airwaves. After all, our century-old approach to spectrum policy, with its rigid, exclusively licensed bands allocated over large geographic regions is not especially well-suited to the airwaves we open today. That is because the propagation challenges with spectrum above 95 GHz are real. At the upper bounds, signals over these airwaves may not travel much further than from one end of this dais to the other before losing their strength. Moreover, there are no existing systems to protect in much of this spectrum. Plus, these high frequencies permit the use of newer antenna designs, like quasi-optical antennas, which allow transmitters to better control the direction of their signals. Add all this up, and the likelihood of interference is too low to justify a traditional approach with high administrative costs.

To this end, I do not believe that this order gets it quite right when it suggests that the frequencies above 95 GHz are suitable for licensed use. I am pleased that we do not take up such an approach in today's decision. I believe that with these way-up-there frequencies, where the potential for interference is so low, we should flip the script. The burden should be on those seeking exclusive licenses to demonstrate the interference case and justify why we should carve up an otherwise open space for innovation and experimentation. So I hope we can continue with a modern approach to spectrum allocation that is better suited to these far flung frequencies.

Finally, it is worth noting that the spectrum we work with here is different from our lower frequency bands in another important way—much of it is subject to the authority of both this agency and the National Telecommunications and Information Administration. As recent experience demonstrates, we need more meaningful and transparent coordination with our federal partners so that we can realize the full opportunities in these stratospheric airwaves. Otherwise, I fear that opportunities for new experimental operations could be blocked and important scientific research could be diminished.