

**STATEMENT OF
COMMISSIONER NATHAN SIMINGTON**

Re: *Principles for Promoting Efficient Use of Spectrum and Opportunities for New Services*, ET Docket No. 23-122; *Promoting Efficient Use of Spectrum through Improved Receiver Interference Immunity Performance*, ET Docket No. 22-137, Policy Statement (April 20, 2023)

The Policy Statement we adopt today lays out a common sense approach for how the Commission will conduct spectrum management going forward—in what is in my opinion the only common sense way to do so—by measuring and managing the efficient use of spectrum by *both* transmitters and receivers. As I’ve said numerous times, there is much value in getting to a place where conflicts such as the C-Band altimeter fight are headed off at the pass and spectrum allocation and deployment processes become smooth and orderly endeavors. This item takes that first step, and paves the way for a framework to accomplish this.

The principles laid out in the Policy Statement will enable the FCC to identify potential interference issues in bands adjacent to new commercial spectrum, in advance, and to define clear rights regarding interference protection. Clear rights provide incentives for innovation and collaboration among spectrum users in a way that avoids technical regulatory mandates, which can often be misguided, imprecise and overly burdensome.

Looking forward, I am eager to see an NPRM where the Commission proposes a procedural framework for implementing these principles on a band-by-band and service by service basis. To address the overarching “one-size-fits-all” and band and service-specific concerns raised in the record of the NOI, this proposal will create procedures to implement what I like to refer to as “band-specific performance boundaries” or technical parameters, such as OOB for transmitters or, for receivers, an emissions mask. These would be applied to both transmitters and receivers. These parameters, or principles, or band-specific performance boundaries—call them what you will—would become part of the FCC’s standard analysis when considering a new band for commercial use, or reallocating a commercial band for a new use.

This approach allows for maximum industry feedback and input because the FCC’s current process is to seek comment on the service rules for each band through notice and comment rulemaking. This would not change in my view. It would just be expanded to seek comment on parameters applicable to receivers. Band-specific performance boundaries should be technology agnostic, and otherwise governed by the characteristics of the particular spectrum band where applied. They are congruent with a flexible use model and could foster easier spectrum sharing by creating additional efficiencies in a band.

Band specific performance boundaries would establish operational thresholds as part of the service rules that *both* transmitters and receivers must adhere to in a given band and any operations falling outside those boundaries would not be protected from interference. This approach addresses commenter concerns while also allowing the FCC to execute on the vision laid out in this Policy Statement. I look forward to this next step.

I would like to thank the staff of OET for all of their diligent work on this item. I am very happy to support it. Thank you.