

**SEPARATE STATEMENT OF  
CHAIRMAN MICHAEL K. POWELL**

*Re: Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) devices in the 5 GHz band, ET Docket No. 03-122 and RM-10371, Report and Order (R&O)*

Wireless broadband is increasingly a reality in the marketplace. As demonstrated by our recent WISP forum, making more spectrum available for this important application will foster facilities based broadband competition and significantly advance the public interest. Moreover, additional unlicensed spectrum was a key recommendation of the Spectrum Policy Task Force. Today we deliver on the promise.

The adoption of the Unlicensed National Information Infrastructure (U-NII) Report and Order is another successful step towards fostering the development of a broad range of new devices and services. By amending Parts 2 and 15 of the Commission's rules we make an additional 255 megahertz of spectrum available for unlicensed devices in the 5.470-5.725 GHz band. This proposal is consistent with the U.S. proposals for the 2003 World Radiocommunication Conference (WRC-03) and with the resolutions adopted by the ITU at WRC-03. This action will harmonize the spectrum available for U-NII devices throughout the world.

Making this additional spectrum available will ensure the continued deployment of unlicensed wireless broadband networks by affording U-NII devices and networks greater certainty and flexibility to avoid interference with other services sharing the existing band. Further, it will provide significant benefits for American consumers and businesses including, improved quality of service, and increased competition with other providers of internet service.

I would also like to thank NTIA, DOD, other government agencies, and the industry for helping to make sharing among users of this spectrum possible. Together, we worked long and hard to forge an agreement that provides the opportunity for new commercial services while ensuring protection for existing Federal government operations. I hope that we can continue to build upon this success.