

**SEPARATE STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

Re: Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Infrastructure (U-NII) Devices, ET Docket No. 03-122 and RM-10371, Report and Order, ET Docket No. 03-122

Adoption of this order, only six months after we initiated this proceeding and in conjunction with our adoption of the ESV NPRM, is a further demonstration of the Commission's commitment to move swiftly when acting on items of national significance addressed at the World Radiocommunications Conference (WRC). Substantively, today's order makes available an additional 255 MHz of spectrum on an unlicensed basis – spectrum that has the potential to be used for broadband networks on an internationally harmonized basis.

As I have previously stated, the true key to achieving Congress's objective of a deregulatory and procompetitive framework lies in moving beyond duopoly towards a world where *multiple* facilities-based providers compete in the broadband arena. Last week's Rural WISP forum demonstrates that unlicensed wireless technology is tremendously valuable in promoting the core statutory goals of broadband deployment and facilities-based competition. Specifically, rural WISPs shared success stories of their deployment of broadband services over unlicensed technologies from Washington State to Maryland. I am hopeful that use of the unlicensed 5 GHz band will lead to even greater consumer benefits.

I also want to thank the staff and other members of the U.S. Delegation to WRC 2003, with whom I had the honor to serve with, for working so diligently at the Conference to achieve international consensus on this issue. Thanks to this joint effort, U.S. manufacturers will be able to capture the synergies of developing equipment in these frequency bands on a global basis. This should result in lower costs to consumers of broadband services and the availability of increasingly innovative equipment.