

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
APPROVING IN PART, CONCURRING IN PART**

Re: Establishment of an Interference Temperature Metric to Quantify and Manage Interference and to Expand Available Unlicensed operation in the Fixed, Mobile and Satellite Frequency Bands; ET Docket No. 03-237

I commend the Spectrum Policy Task Force and its members for their 2002 report and for bringing to the Commission's attention a new interference temperature approach to spectrum management. The Task Force noted that the "increasing demand for spectrum-based services and devices are straining longstanding, and outmoded, spectrum policies." I could not agree more. The reality is that we cannot produce more spectrum. We need to foster a framework for innovation that enables new technologies to come forward to meet demand more efficiently – in both the private and public sectors.

Most significantly, the Task Force report offered specific findings and recommendations that have been very useful in stimulating debate in the area of spectrum management. The concept of interference temperature is a particularly significant recommendation, and I very much look forward to a full and vigorous discussion on this challenging issue. I recognize that this is one of the more controversial proposals to come out of the report, but believe that it is entirely appropriate for the Commission to seek comment on new approaches to spectrum management. Whatever the outcome, the deliberation process makes us a better, more informed agency, and I encourage all interested parties to file comments in this proceeding.

I have previously noted my belief that the Commission should strive to push the boundaries to accommodate new technologies provided that they do not cause harmful interference. Indeed, a little noticed provision of the Communications Act, Section 157, reads that "It shall be the policy of the United States to encourage the provision of new technologies and services to the public." If an interference temperature model for quantifying and managing interference can be developed so that it truly prevents real harmful interference and allows for the provision of new technologies and services, then we should encourage its development. I do not know if we are there yet, but I very much look forward to the debate.

Finally, while I support the discussion in the item considering the application of the interference temperature approach to unlicensed operations in the 6525-6700 MHz and 12.75-13.25 GHz bands, I do not believe that this portion of the item should be styled as a Notice of Proposed Rule Making, as opposed to remaining part of the Notice of Inquiry. I think it is very clear that we are exploring an entirely new concept in the interference temperature model, and it is quite premature to actually discuss proposed rules when the Commission has not even engaged in a preliminary discussion on the interference temperature approach as a whole.

I am not sure what the rush is and am not convinced that moving this discussion to the NOI portion of the item somehow holds back our consideration of the interference temperature approach. I think the licensees in these bands deserve better. For this reason, I can only concur to the NPRM portion of this item.