

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, First Report and Order and Further Notice of Proposed Rule Making, ET Docket No. 04-186 and ET Docket No. 02-380

I am very pleased to approve this item. It is an important step towards enabling a new generation of wireless devices that will enlarge broadband opportunities in cities and rural areas across the nation. For some time, I have hoped the Commission would move forward to enable this exciting new technology, so it is very encouraging that we are doing so today.

As my colleagues have heard me say, I am of the strong belief that our country is in the midst of a broadband crisis stemming from a lack of build-out in many areas and from grossly inadequate competitive choices in the rest. To take just one example, the International Telecommunications Union has concluded that our nation is 15th in the world in broadband penetration, and 21st in terms of “digital opportunity” (which measures additional factors like wireless technologies and broadband price). I think that the use of the TV white spaces is one of the truly promising opportunities before us in the near term to remedy this grave situation. And make no mistake about it – it is a *very* grave situation. There is simply no way that our country can remain in the forefront of the global economy without developing a broadband infrastructure that is up to the task.

The need for new broadband options is especially pressing in rural and high-cost areas, which may eventually be the greatest beneficiaries of white space technology. We must bring every part of this great nation with us as we move into the Digital Age. It is not just the right thing to do; it is an enlightened investment in our future that I am certain will pay for itself many times over.

So I am excited that we move forward today to embrace this promising technology. But we should not lose sight of the fact that many difficult choices remain before us as we approach the upcoming DTV transition date, when consumers and wireless ISPs can first begin to take advantage of these new broadband devices:

To begin with, we must develop technical standards that will maximize use of the TV white spaces while at the same time preventing inappropriate interference with free, over-the-air broadcasting. As with so much of the Commission’s work, the devil is in the details. I will be watching closely to make sure that we strike the appropriate balance between innovation and caution.

Then there is the question of whether the white spaces should be used on a licensed or unlicensed basis. The Commission’s assumption has always been unlicensed – indeed, the caption of our 2004 NPRM (and today’s item) is “Unlicensed Operation in the TV Broadcast Bands.” I have long supported freeing up additional unlicensed

spectrum. In many contexts – as with the enormously successful bands that support today’s Wi-Fi networks – unlicensed uses most closely approach the ideal of the *people’s airwaves*, to be used in direct service of the public interest. With our recent AWS auction and the upcoming 700 Mhz auction, we are opening up a huge swath of prime spectrum to *licensed* use – and it seems to me, on the present record, that the appropriate balance is to open up the TV white spaces to *unlicensed* use. So while I am more than happy to give careful consideration to comments from those who favor licensed use of the white spaces, I would have preferred that today’s item announce a rebuttable presumption in favor of unlicensed use. I believe this approach would have provided greater clarity to innovators, entrepreneurs and the American people.

The final question is whether and how to permit operation on TV channels 14-20, which are used in some states for public safety operations. I would never approve any operation in the white spaces that would compromise public safety. But at the same time, if it is technically feasible to use these channels for broadband in places where public safety officials do not use them, I think we ought to investigate such uses. I appreciate the Chairman’s and my colleagues’ willingness to work with me on the portions of this item that ensure the Commission will move forward to develop a full record on this issue. This keeps alive the encouraging possibility that one day these channels can be used to provide broadband in the large portions of the country where they are not being used by public safety operators.

I want to conclude by applauding the Office of Engineering and Technology for their great work on this item and thanking them in advance for continuing to work on the testing and technical rules stages of this process.