

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

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 Dockets No. 04-186 and 02-380

I am pleased to support this decision that takes an important first step towards allowing unlicensed, low-power devices to operate in unused broadcast television spectrum bands. While our item is a conservative one, I think it strikes the right balance by promoting the development of new technologies while ensuring that over-the-air television is not subject to harmful interference.

The unlicensed, Wi-Fi movement has been one of the great telecommunications success stories over the past several years by enabling American consumers to offer and receive broadband services at the most local levels. Wherever I travel, I hear the calls for more unlicensed spectrum from operators who need more capacity to drive broadband deployment deeper and farther into all corners of the country. In this item, we are rightly exploring the latest and most exciting cognitive radio and spectrum sensing technologies that are available to see how they can enable spectrum facilitation in the television bands. Of course, broadcasters have used the public spectrum for many years to serve rural and urban areas alike in providing news, civic information, education and entertainment. I fully support our request for comment on how best to ensure that harmful interference is not caused by the operation of unlicensed devices. The American people care a lot about the quality of their television reception. We will hear an earful from consumers if this is not done right.

I am particularly pleased with our decision today to allow channels 14-20 and 2-4 to remain “on the table” for further testing to determine their suitability for possible unlicensed services in the future. Of course, our priority in evaluating this spectrum will be to protect existing operations in the bands, particularly public safety services that are licensed on channels 14-20 in thirteen major markets. So I support our decision to limit our inquiry with respect to these seven channels to fixed devices only. But I think the potential use of this spectrum for fixed wireless broadband services in rural areas is too great to take the spectrum completely out of consideration at this time, particularly as channels 14-20 are not in use across most of the country. So I want to thank my colleagues for agreeing to changes to the item that allow us to keep this spectrum “in play” pending the results of future tests.

Finally, while the item does provide a balanced view of the benefits and challenges of unlicensed versus licensed operations in the white spaces bands, I want to specifically express my preference for use of this spectrum on an unlicensed basis. Unlicensed services, with their low barriers to entry, present such a great opportunity for the deployment of broadband offerings in communities across the country no matter their size or financial status. Considering the favorable propagation characteristics for wireless broadband services in the 700 MHz band and the important obligation to protect existing television operations from harmful interference, I believe that unlicensed operations present the best use of the spectrum for this country.