

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Applications for License and Authority to Operate in the 2155-2175 MHz Band;  
Petitions for Forbearance Under 47 U.S.C. § 160, Order*

I support today's *Order* denying the application and petition for forbearance seeking a direct grant of the AWS-3 spectrum. I believe that the proper way to allocate this spectrum—in the manner that best serves the public interest—is to conduct a general rulemaking, which the Commission will initiate shortly. Such a rulemaking should consider the following options: (1) opening this band to unlicensed use, as has proved so productive in other bands; (2) designating it for an open access model that would combine wholesale broadband access and a *Carterfone* mandate; (3) using it to provide free, advertiser-supported broadband service (as initially proposed by M2Z and one other applicant) as well as a fee-based premium broadband service; or (4) allocating it through a traditional, largely unconditioned auction.

Conducting this inquiry in the context of a general rulemaking will provide the broadest opportunity for interested parties from industry and the public interest community—as well as members of the public—to weigh in on these important choices. I look forward to working with my colleagues to make sure that we can complete this rulemaking in an expeditious fashion.

I am also mindful of the issues raised in this proceeding by Section 7 of the Communications Act, which requires the Commission to act within one year on petitions for a new service or technology. While I have serious doubts that a direct grant of a license for a valuable portion of the people's airwaves is what Congress meant by the phrase "new technology or service," I certainly agree that the Commission must act quickly on all matters brought before it—that is why I have consistently encouraged the Commission to put innovative proposals out for comment. Indeed, I am a firm believer that the public interest requires regulators to allow companies to bring new and valuable products to market as soon as possible. While today's decision—rendered one year after the Section 7 claim was first raised in this proceeding—complies with the plain language of the statute, I believe it has been clear for some time that opening a general rulemaking is the right procedural path to allocating this spectrum band. Nevertheless, even if the decision we announce today comes considerably later than I would have preferred, I fully support this item as well as the NPRM we will release shortly.