

**CONCURRING STATEMENT OF
COMMISSIONER JONATHAN ADELSTEIN**

*Re: Applications for License and Authority to Operate in the 2155-2175 MHz Band;
Petitions for Forbearance Under 47 U.S.C. § 160, WT Docket Nos. 07-16, 07-30.*

There has continued to be keen interest over the past years in the 2155-2175 MHz band which holds great promise for operators to introduce new offerings of innovative wireless broadband services to American consumers. This spectrum has inexcusably remained fallow since the Commission first determined that it was ideally suited for fixed and mobile services, including advanced wireless systems. It continues to be critical that we make vibrant, spectrum-based communications opportunities available to more consumers and companies. We need to promote opportunities to expand wireless connectivity, and move faster to ensure available and desired spectrum is put to its highest valued use.

So I'm disappointed that despite the aggressive interest in and availability of this spectrum, the Commission is only now expressing its intent to seek comment on service rules for this band. I am also concerned that we have not considered more seriously M2Z's proposal as offering a new technology or service under Section 7 of the Communications Act. The directive under Section 7 is clear. That is – the Commission should be encouraging the development of new technologies and services for the benefit of consumers. Our job at the FCC is to do whatever we can to promote spectrum-based opportunities and I am not convinced that we have done so adequately here. We must continually evaluate whether our actions, or lack of action, undercut the ability of wireless innovators to get access to new or unused spectrum.

And while I am pleased that this Commission has indicated that it will finally move forward with plans to put into place a mechanism for allocating the spectrum and requirements for offering service in the 2155-2175 band, I urge my colleagues not to wait for months until we issue an order allowing for the innovative use of this spectrum. The Commission has already accumulated a substantial record in this proceeding on the best uses of this spectrum. It is high time for the Commission to seek comment on these issues and it is regrettable that we have not already done so. I encourage the Commission to move expeditiously to issue a Notice on the services rules in the band. We simply cannot afford to waste any more time. For all of these reasons, I must concur in this item.