

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

RE: OP LLC (Crown Castle International Corp.), Licensee of WPYQ831, Petition for Waiver of Section 27.50(f)(1) of the Commission's Rules, File No. 0002271317, *Memorandum Opinion and Order*, FCC 07-16

I am glad that we finally are ruling on the August 2005 request of Crown Castle to operate a higher peak Equivalent Isotropically Radiated Power (EIRP) limit pursuant to its nationwide license in the 1670-1675 MHz band. This relief should allow Crown Castle greater flexibility in deploying its network while still ensuring that a number of important Government-operated facilities are sufficiently protected.

It is important that we provide Crown Castle with this flexibility as the developing mobile video marketplace becomes more and more competitive. Crown Castle also has committed to provide service to the White Mountain Apache Reservation by August 31, 2007, and I am glad that my colleagues were supportive of my effort to extend the waiver relief to deployment in the tribal area, which well serves the public interest.

Finally, while we rightly do not further delay grant of the Crown Castle waiver request pending our review of other proceedings or waivers, I do think it is important that we quickly resolve the biennial review proceeding looking at adopting a power spectral density-based emission limit to supplement the current broadband PCS and Advanced Wireless Service base station EIRP.¹ This proposal appears to have wide-spread industry support, and we should resolve the issue without further delay if we truly want to provide the regulatory flexibility that is so important to promoting the deployment of wireless broadband services.

¹ Biennial Regulatory Review—Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket No. 03-264, *Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 13900 (2005).