Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Establishment of an Interference Temperature	)	
Metric to Quantify and Manage Interference and	)	ET Docket No. 03-237
to Expand Available Unlicensed Operation in	)	
Certain Fixed, Mobile and Satellite Frequency	)	
Bands	)	

ORDER

Adopted: May 2, 2007 **Released: May 4, 2007**

By the Commission: Commissioner Copps concurring and issuing a separate statement.

1. On November 13, 2003, the Commission adopted a *Notice of Inquiry and Notice of Proposed Rule Making* ("*Notice*") in this proceeding. The *Notice* sought comment on the need for, development of, and implementation of, a new "interference temperature" model for managing interference. That approach would shift the current method of assessing interference which is based on transmitter operations, to an approach that takes into account the cumulative effects of all undesired radiofrequency energy, *i.e.,* energy that may result in interference from both transmitters and noise sources, that is present at a receiver at any instance of time. The *Notice* also sought comment on establishing interference temperature limits and procedures for assessing interference temperature in the 6525-6700 MHz band and portions of the 12.75-13.25 GHz band.

2. Commenting parties generally argued that the interference temperature approach is not a workable concept and would result in increased interference in the frequency bands where it would be used.[1] While there was some support in the record for adopting an interference temperature approach, no parties provided information on specific technical rules that we could adopt to implement it.[2] Further, with the passage of time, the *Notice* and the record in this proceeding have become outdated. We are therefore terminating this proceeding without prejudice to its substantive merits.

[1] *See, e.g.,* Qualcomm comments at 4 and 15, ARRL comments at 3, Sirius Satellite Radio comments at 4, Motorola comments at 6, Wireless Communications Association International comments at 5, Nokia comments at 3, Cellular Telecommunications and Internet Association comments at 12, Society of Broadcast Engineers comments at 1, NAB and MSTV comments at 5, and Globalstar et al comments at 14.

[2] *See, e.g.,* Hypres comments at 2, Agilent Technologies comments at 2, and Prometheus Radio Project et al *ex parte* comments at 9.

3. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 4(j) of the Communications Act, 47 U.S.C. §§ 154(i) and 154(j), ET Docket No. 03-237 IS TERMINATED, effective upon issuance of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

STATEMENT OF
COMMISSIONER MICHAEL J. COPPS
CONCURRING

Re: *Establishment of an Interference Temperature Metric to Quantify and Manage Interference and to Expand Available Unlicensed Operation in Certain Fixed, Mobile, and Satellite Frequency Bands,* Order (ET Docket No. 03-237)

I have concerns about today's decision ending our consideration of the "interference temperature" concept. As I stated when we opened this NOI and NPRM, the interference temperature method of managing interference holds promise in improving the Commission's ability to carry out its statutory duty to encourage more efficient uses of the radio spectrum. I believe that the record in this proceeding, as well as academic commentary, indicate that the Commission's ongoing consideration of the issue would be useful.[3]

Today's item does not foreclose the Commission from considering interference temperature, either in a particular band or generally, in a future NOI or NPRM. Accordingly, I hope that today's decision does not represent the end of the Commission's work in this important area.

[3] *See, e.g.*, Margie, R. Paul, "Can You Hear Me Now? Getting Better Reception from the FCC's Spectrum Policy," 2003 Stan. Tech. L. Rev. 5 (2003), *available at* http://stlr.stanford.edu/STLR/Articles/03_STLR_5; Comments of the National Telecommunications and Information Administration (discussing promise as well as limitations of the interference temperature concept).