

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04-186; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, Second Memorandum Opinion and Order, ET Docket No. 02-380

I am pleased to support today's order resolving the petitions for reconsideration of our historic – and unanimous – November 2008 vote to make a portion of the unused spectrum in the TV bands available for unlicensed wireless devices. This proceeding started under the leadership of Chairman Michael Powell in 2002. Foreseeing the wonderful consumer benefits and the huge opportunity for job growth associated with this spectrum, many of us, including me, for years have been strong advocates for unlicensed use of the TV “white spaces.” And, it's no secret that, for some time now, I have emphasized the importance of concluding this proceeding as soon as possible. Although our work is not entirely complete, we have taken another important step.

The potential uses for this spectrum are limitless. Moreover, the protocol developed in this proceeding for “smart use” of this spectrum has great potential for enabling access to and improving efficiency in other frequency bands. The white spaces formula – unlicensed spectrum distribution, limitless potential applications and a path for continued development of advanced smart technologies – illustrates another reason why neither open access nor net neutrality rules need be mandated. The ubiquitous availability of white spaces provides consumers a competitive alternative to existing broadband providers, an additional check against potential anti-competitive mischief, and a means to relieve spectrum congestion in licensed bands. Furthermore, as with Wi-Fi, the *unlicensed* nature of white spaces use will accelerate its deployment and adoption much faster than if this spectrum was auctioned (if that were even practical to begin with). Our action thus helps to bring more broadband to consumers as quickly as innovation, rather than the government, will allow.

Although we have eliminated the *requirement* that TV band devices that incorporate geo-location and database access must listen and adjust for other signals, I am pleased that we emphasize the importance of the continued development of this sensing capability. Because sensing holds great promise to improve spectral efficiency and provide “smart” access to other bands, I thank the entrepreneurs that are investing in the costly research and development to continue to improve this technology.

In addition, I look forward to coordinating closely with our talented colleagues in the Office of Engineering and Technology on completing our next task: getting the TV bands geo-location databases up and running. Certainly it is important that we proceed to this next step as quickly as possible, which will bring greater certainty to the entities that tell us they are standing ready to build the technologies for this spectrum band. Given that we have eliminated the sensing requirement, however, it will be just as important to proceed with great care. We all agree that we have a duty to create an effective tool, as well as to ensure that we “do no harm” to incumbent users or, ultimately, consumers.

Finally, as the use of mobile data increases, providers will need to increase their backhaul capacity, including microwave backhaul, to accommodate the expected exponential increase in traffic. Increasing the availability of microwave will serve as an additional choice for backhaul services. This, too, is an issue that I've been speaking about for some time now, most recently at last month's open meeting. Therefore, I appreciate today's express commitment to pursue the question of whether we can accommodate licensed rural backhaul in the white spaces.

Specifically, Commission staff will evaluate this possibility and will formulate and submit a recommendation to the Commissioners by the end of the year. I will continue to stay engaged on this issue, and look forward to learning more.

First, I thank the commissioners and chairmen who worked on these ideas years ago. I also applaud Chairman Genachowski's leadership and the contributions of my fellow commissioners here today. These issues are complicated, yet they were easier to grasp and resolve because the process was collegial and consensus-based. Thank you also to Julie Knapp, Alan Stillwell, and all of our colleagues in the Office of Engineering and Technology and Ruth Milkman and her team in the Wireless Telecommunications Bureau. We are grateful for your guidance, insights and creativity.