

**STATEMENT OF  
COMMISSIONER ROBERT M. McDOWELL**

Re: *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, Order on Reconsideration, WT Docket No. 07-293 and IB Docket No. 95-91*

In the original *Star Trek* TV series, as they flew across the galaxy at warp speed, the crew of the starship *Enterprise* had to live under what the Federation called the "Prime Directive." In a nutshell, the directive prohibited the crew from interfering with the affairs of the planets they visited.

So now, back to Earth. The FCC's version of the "Prime Directive" is preventing harmful interference among wireless licensees. And that is precisely what our Order does today. In FCC parlance, we are modifying old rules and adopting some new ones to create an interference paradigm that balances the ability for Wireless Communications Service (WCS) licensees to deploy wireless broadband networks while protecting Satellite Digital Audio Radio Service (SDARS) systems, along with other adjacent bands, from harmful interference. Saying all of that while using the *Star Trek* universal translator, in English that means we are acting to ensure that consumers receive the reliable and high-quality wireless broadband communications services they demand and deserve.

As a consequence of resolving the long-standing interference issue, we are putting to use valuable slices of the airwaves which have been wasted for years. In short, today we finally provide the certainty communications companies sought to pave the way for new 4G wireless networks while avoiding interference with the terrestrial transmissions of satellite radio services.

Many of the rules adopted in this Order are based on a coordination agreement entered into by Sirius XM, the holder of SDARS spectrum, and AT&T.<sup>1</sup> The WCS licenses were awarded through an auction in 1997 and soon thereafter they faced interference conflicts with terrestrial SDARS repeaters. In the ensuing 15 years, the parties and the Commission have endured countless hours of negotiations, drafted and revised several formal proposals and multiple rounds of comments, and issued and reviewed a 2010 Order and petitions for reconsideration on how to resolve these interference issues. Our action today is built upon the foundation of a private sector solution and, as a result, should bring an end to fifteen years of discord that prevented putting the power of this spectrum into the hands of American consumers.

Most importantly, these rules will allow up to 30 megahertz of WCS spectrum to be deployed for wireless broadband, including on LTE networks, which were not heavily considered when formulating the 2010 rules. The use of certain frequencies within this band, however, is restricted in order to reduce the potential for harmful interference (*e.g.*, some blocks of spectrum will be used only for fixed wireless or mobile downlinks). The order, however, acknowledges that, in years to come, more flexibility may be possible as there are advances in SDARS receiver technology. We must continue to innovate on all fronts to ensure that spectrum is used as efficiently and effectively as possible.

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<sup>1</sup> AT&T currently has a significant number of WCS licenses, but has filed a series of assignment applications which will result in AT&T holding the vast majority of these licenses. I hope that these applications will be processed as expeditiously as possible.

To ensure that this spectrum is rapidly deployed, we retain the stringent buildout requirements adopted in 2010, but with some modifications.<sup>2</sup> Failure to meet these benchmarks will likely result in the loss of the license. Although we restart and add six months to the construction period, this additional time will allow WCS licensees the flexibility to decide what technology to deploy based on what best suits their needs, as opposed to what can be constructed during a shortened buildout period. The prior construction benchmarks were based on a presumed schedule for WiMAX deployment. To allow licensees with the option to construct LTE networks, the modified buildout rules provide time to develop, manufacture and test LTE equipment tailored to the WCS band.

I would like to thank the Office of Engineering and Technology, the International Bureau and the Wireless Telecommunications Bureau for their dedication. I know this proceeding has not always been easy. Hopefully, you are in the final stretch. Thank you for all of your hard work on this order and over the years.

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<sup>2</sup> Licensees will be required to cover 40 percent and 75 percent of the license area's population in 48 and 78 months, respectively. If point-to-point fixed operations are being offered, a licensee will have to provide 15 point-to-point links per million persons in a license area within 48 months, and 30 point-to-point links per million persons in a license area within 78 months.