

**STATEMENT OF
COMMISSIONER ROBERT M. MCDOWELL**

Re: *Promoting Interoperability in the 700 MHz Commercial Spectrum, WT Docket No. 12-69;
Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the
700 MHz Band, RM-11592*

I am voting to approve today's notice of proposed rulemaking regarding interoperable communications in the lower 700 MHz band. I thank all of the interested parties for sharing their insights and marketplace experiences on this topic. And, I am grateful to the Chairman for his willingness to accept edits to create a more dispassionate examination and thereby allow for more analytical comment.

Although I support today's action, I hope that all interested parties will come to the negotiating table and work in good faith to develop their own solution. Government mandates should be a last resort. That maxim is especially relevant here because minimal regulation in the wireless sector has created an environment that has maximized opportunities for investment, innovation, competition and job creation. Before disrupting this fruitful environment with new government mandates, all stakeholders, including industry and consumers, should work as hard as they can to produce a private sector solution. An independently created interoperability framework stands a far better chance of success than would a top-down government regulation. In other words, the private sector is better at this than we are. In fact, we might not be here today were it not for earlier mandates handed down in July of 2007 from which I dissented.

Finally, in this case, I support our decision to refrain from including draft rules at this time. Putting forth proposed rules at this delicate stage may only distort the private sector's creative process. With this in mind, many of our questions are open-ended to elicit greater insight regarding the costs and technical feasibility of potential implementation. Accordingly, I approve of this prudent approach to develop the record further before drafting proposed rules.

As always, I thank our Wireless Telecommunications Bureau team for your work in this area.