

**STATEMENT OF
COMMISSIONER MIKE O'RIELLY**

Re: In the Matter of Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Guard bands and Duplex Gap, and Channel 37, and Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Promoting Spectrum Access for Wireless Microphone Operations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions.

Before I begin, let me acknowledge the hard work of the Gentlelady from Connecticut for all that she has done to promote unlicensed spectrum use. Like Commissioner Rosenworcel, I have been and remain a strong supporter of unlicensed wireless use and the unknown possibilities that the creative entrepreneurs that use it will continue to bring to the American people.

These two items, which I will approve, are the direct result of Congress's work to provide for a spectrum incentive auction. That effort, of which I appreciated being a part, has generated both opportunity and concern for many in the communications sector. The area we focus on today is the effect of the incentive auction on the spectrum that can be used for unlicensed wireless devices and wireless microphones, which are not necessarily mutually exclusive groups. I understand the trepidation that these communities and others, including existing broadcasters, have over the reduction in spectrum allocated at 600 MHz for commercial broadcast services.

Over the last many months, I have visited and met with a wide array of interested parties to discuss and learn more about their ideas as to how the Commission might address the needs and spectrum demands of unlicensed wireless device providers and wireless microphones (both licensed and unlicensed). From Broadway to Silicon Valley and in between, each of these meetings was highly informative and somewhat frustrating as there are no easy answers.

At the heart of both of these items is science and fact, or at least it should be. I am generally pleased by the work of the Office of Engineering and Technology to focus on the technical side of the equation in preparing these two items. While I may not agree with every outcome or proposal, the NPRMs have been drafted in way to allow parties to provide comments, including contradictory evidence and technology studies, to frame our work going forward. I expect an ample record that includes the granular data necessary to fully inform our decision making. I am particularly interested in hearing about tests of the technical aspects of the various ideas and proposals. Let's find out, to the best of our abilities, what works and what does not.

There are definitely some areas where we need to look into pushing further, and I appreciate the Chairman and Commission staff incorporating my edits. For instance, I see great value in exploring opportunities for mobile unlicensed operations in Channel 37. To argue that it can't be done in a way that provides protection to incumbent users reminds me of the early debates over even allowing television white space devices. Many of us were right then, and we should allow science and fact to lead us again.

On the opposite side, I have heard from many industry participants that the current proposal regarding wireless mics and unlicensed wireless use in the duplex gap may be infeasible. There are strong views on this, and I am not sure whether all the information needed to make a decision is available yet. This issue needs to be fleshed out further, and I trust the NPRM will allow everyone to debate the merits fully.

I will keep an open mind as the Commission moves ahead to fill out details of the framework set forth in the Incentive Auction Order and refine potentially temporary decisions. To the extent that we receive data that requires the Commission to reconsider or alter the framework's decisions, I trust we will be willing to do so, as necessary and appropriate.

In addition, I am pleased to see today's companion notice, which seeks comment on proposals for treatment of wireless microphones. This notice is comprehensive and asks many of the necessary questions. For instance, we need to encourage wireless mics to be more spectrally efficient and move to frequencies that are not likely to be sought after for commercial purposes. In other words, any new bands that we open to wireless mics should be those that will not require that they relocate again in the future.

I thank the folks in the Office of Engineering and Technology, the Wireless Telecommunications Bureau, and the Incentive Auction Team for your thoughtful, diligent work on these notices.