

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY
CONCURRING**

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Office of Engineering and Technology Releases and Seeks Comment on Updated OET-69 Software, ET Docket No. 13-26; Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services, ET Docket No. 14-14.

Today's order demonstrates the complexities that arise when trying to accommodate two distinct services in the same band. I applaud the efforts of the Office of Engineering and Technology for coming up with a means that should allow wireless providers and broadcasters to operate in close proximity to one another without causing harmful interference. It is disappointing, however, that such analyses will likely have to be conducted in more markets than absolutely necessary.

Despite considerable opposition, the Commission previously adopted auction and band plan designs that could result in a number of broadcast stations being placed in the 600 MHz uplink, downlink and duplex gap. While the placement of a few broadcasters in the new wireless band was an unfortunate necessity to prevent interference with stations located in Canada and Mexico, the Commission should have ensured that market variation was as limited as possible and only occurred to prevent cross-border interference. Instead, the Commission adopted a structure that would allow a graduated percentage of impairments to account for broadcasters repacked into the 600 MHz Band. For example, if the Commission sets an 84 megahertz clearing target, the impairment rate will be 14 percent (by weighted pops). As I have said before, such a ridiculously high percentage of impairment is unnecessary, especially in light of deals reached with Canada and Mexico to limit cross-border interference.

Instead of minimizing market variation and the number of impaired licenses, the Commission is inclined to place more broadcasters in the 600 MHz Band in order to increase the number of licenses that can be auctioned, even if these licenses are not "clean." Because I remain unable to support the impairment level, I concur to today's item.