

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Amendment of the Commission's Rule with Regard to Commercial Operations in the 3550-3650 MHz Band, Report and Order and Second Further Notice of Proposed Rulemaking*, GN Docket No. 12-354.

Today is a significant moment in spectrum policy because we adopt a number of important paradigm shifts in our approach to find more spectrum for commercial wireless services and promote more efficient use of this valuable resource. In the past, our primary strategy for finding more spectrum for commercial wireless services was through NTIA identifying bands that could be repurposed from federal use. This is an often costly, clunky, approach that, in many cases, took decades to accomplish. This model is not a sustainable one because spectrum is finite, and as consumer demand for wireless services grows exponentially, finding more bands to repurpose only becomes more difficult. Wireless consumers and forward looking entrepreneurs deserve a new approach to spectrum management that is as tech savvy and innovative as they are.

Spectrum sharing is one such new approach. Driven by technological advances such as databases and environmental sensing, as well as just good old fashioned willingness to cooperate, spectrum sharing has become more acceptable to both the wireless industry and federal agencies. We are seeing databases that allow TV White Space devices alongside broadcasters and medical body area networks sharing spectrum with aeronautical telemetry services. But the primary reason we can turn the page and adopt a spectrum policy that leads with sharing is because of the tremendous cooperation between staff leaders here, at the Department of Defense, and at NTIA. Their work has led to substantially shrinking the protection zones for federal operations. Those zones, in the 3.5 GHz band, were reduced by a whopping 77 percent and Larry Strickling of NTIA, Fred Moorefield of DOD, and Julie Knapp and John Leibovitz, of the FCC, deserve praise for their leadership in this effort.

Another notable paradigm shift is the move away from highly fragmented long term exclusive use licenses to shorter term Priority Access Licenses with a rule to use it or share it with General Authorized Access users. These new regulatory approaches will create enough certainty to fuel investment in equipment for the 3.5 GHz band and the new PAL license will have lower administrative costs and allow for micro-targeted network deployments. Service providers will have flexibility in designing networks to address unique challenges posed by rural and other areas, and by using a Spectrum Access System database to dynamically assign frequencies in the band for both PAL licenses and GAA users, there will be more efficient use of spectrum in heavily populated areas.

In prior items, I have expressed optimism that our proposed technical rules could lead to interoperability by all commercial entities who choose to use this band. But a development, late in the proceeding, concerns me. Parties have expressed interest in deploying a version of LTE-U/Licensed Assisted Access (LAA) technology and some commenters hoping to deploy Wi-Fi technology, claim a version of LAA is being developed, in the 5GHz band that lacks 3GPP standards. They also assert that protocols necessary to coexist with Wi-Fi devices do not exist. Requests to formally coordinate with the relevant industry standard setting bodies, they charge, have gone unanswered.

I remember all too well the significant problem with the lack of interoperability in the 700 MHz band that developed in the industry standard setting process after Auction No. 73. Considerable time and effort was necessary to repair that technical impediment resulting in spectrum remaining unused and investment being stranded. To guarantee that there is no "deja vu all over again," I would have preferred that we ask questions about the LTE-U/LAA standards development process in the Further Notice.

Cooperation is allowing us to vote for the landmark spectrum management policies we adopt, today, and we anticipate the spurring of even greater technical innovation and new business models. I

caution, however, that we will not fully realize the benefits that the 3.5 GHz band holds unless there is a standard setting process that includes the cooperation of all relevant parties.

I thank Paul Powell for his presentation and the myriad members of the staff for their hard work on this item and their contributions throughout this proceeding.