

**STATEMENT OF COMMISSIONER AJIT PAI
APPROVING IN PART AND CONCURRING IN PART**

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.

Finding a way to put the 3.5 GHz band to its highest and best use has long been a challenge. Federal incumbents occupy much of the band. They make little use of the spectrum across large parts of the country, but their operations nonetheless have precluded others from using it. That's not efficient, to say the least. So for years, we've been exploring ways to allow this spectrum to be deployed for the benefit of consumers.

After considering several outside-the-box ideas, we are moving forward with an experiment to see if we can make this spectrum more productive. Will it work? Have we struck a balance that will allow a variety of innovative uses to flourish? We will see. This *Order* leaves many important details and complex questions to be resolved, including whether technologies will develop that can manage the complicated and dynamic interference scenarios that will result from our approach. It therefore remains to be seen whether we can turn today's spectrum theory into a working reality. Moreover, exclusion zones still cover about 40% of the U.S. population, and we leave the door open for the introduction of new federal uses across the country, neither of which is ideal. Because I am concerned that some of these decisions might hinder the types of investments and deployments necessary for this experiment to succeed, I will be voting to approve in part and concur in part.

Notwithstanding my concerns, I am pleased with the substantial progress that's been made in this proceeding. I would like to thank my colleagues for their willingness to accommodate some of my suggestions. *First*, by removing the 20 MHz set-aside that favored certain interests, we give everyone equal opportunity to access this spectrum *and* reduce unnecessary complexity. *Second*, the *Order* now ensures that existing wireless Internet service providers can continue to deploy broadband to rural consumers rather than freezing them out during the transition to a new 3.5 GHz regime. *Third*, the *Order* provides somewhat greater incentives to invest in the band than were contained in the original draft. For example, instead of making licenses unavailable in many markets, the *Order* now provides that they will be available in every market where applicants express a demand. *Finally*, although the exclusion zones remain, the *Order* now has a mechanism in place that hopefully will help in converting them to protection zones—which means that 3.5 GHz devices could then be used within those zones. These are pro-consumer, pro-competitive steps that I'm glad we're taking.

It bears mentioning that it could be years before consumers see the benefits of this rulemaking. In the meantime, we must redouble our efforts to free up additional spectrum for immediate consumer use—and the obvious place to look is the 5 GHz band. Since 2012, I've been calling for the FCC to make up to 195 MHz of 5 GHz spectrum available for unlicensed use.¹ And I appreciate the work of my colleagues, Commissioner Rosenworcel and Commissioner O'Rielly, to highlight the importance of that band. The 5 GHz band is tailor-made for the next generation of unlicensed uses. Its propagation characteristics

¹ See, e.g., Remarks of Commissioner Ajit Pai at CTIA's MobileCon, <http://go.usa.gov/4tkA> (Oct. 10, 2012); see also Statement of Ajit Pai, Commissioner, Federal Communications Commission, Hearing before the Subcommittee on Communications and Technology of the U.S. House of Representatives Committee on Energy and Commerce, <http://go.usa.gov/4t8Q> (Dec. 12, 2012); see also Remarks of FCC Commissioner Ajit Pai, "Looking Back and Looking Ahead: The FCC and the Path to the Digital Economy," <http://go.usa.gov/WRj4> (July 25, 2013); Commissioner Ajit Pai Applauds U.S. House of Representatives Committee on Energy and Commerce for Highlighting Promise of 5 GHz Band for Unlicensed Use and Calls for Prompt FCC Action to Facilitate Greater Use of 5 GHz Band, <http://go.usa.gov/3WySC> (Nov. 13, 2013); Remarks of FCC Commissioner Ajit Pai at WISPAPALOOZA, <http://go.usa.gov/3WySF> (Oct. 15, 2014).

minimize interference in the band and the wide, contiguous blocks of spectrum allow for extremely fast connections, with throughput reaching 1 gigabit per second. The technical standard to accomplish this, 802.11ac, already exists, and devices relying on it are already being built. With the potential of 5 GHz spectrum within our reach, the time has come for the FCC to act. I look forward to continuing to work with my colleagues to reach a consensus.

Finally, I would like to thank the staff of the International Bureau, the Office of Engineering and Technology, the Office of General Counsel, and the Wireless Telecommunications Bureau, including Kamran Etemad, Navid Golshahi, Joyce Jones, Ira Keltz, Julie Knapp, John Leibovitz, Gary Michaels, Bob Pavlak, Paul Powell, Bill Richardson, Christiaan Segura, Kelly Quinn, and Margy Wiener, for their persistence and hard work in this proceeding.