

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, WT Docket No. 12-40, RM No, 11510; Amendment of the Commission's Rules with Regard to Relocation of Part 24 to Part 27; Interim Restrictions and Procedures for Cellular Service Applications; Amendment of Parts 0, 1, and 22 of the Commission's Rules with Regard to Frequency Coordination for the Cellular Service; Amendment of the Commission's Rules Governing Radiated Power Limits for the Cellular Service, RM No. 11660; Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, WT Docket No. 10-112; 2016 Biennial Review of Telecommunications Regulations, WT Docket No. 16-138*

The item before us, which I am pleased to support, will permit wireless providers to offer LTE on their 800 MHz Cellular networks, while protecting adjacent public safety systems. By simply modifying the Cellular power rules to also include workable power metrics for wideband technologies, we provide companies the flexibility to deploy the technology of their choosing. In permitting LTE on this band, we are, in effect, improving spectrum efficiency and facilitating mobile broadband deployment. It also places Cellular spectrum on the same footing as other commercial services, such as PCS, AWS and 700 MHz.

My only critique of today's order is that the petition requesting this change was filed in 2012. The Commission must ensure that its rules are current, technologically neutral and promote flexible use. When they are not, it can't take five years to update them.

That being said, I am hopeful that we will move on the proposals in the further notice to eliminate unnecessary and costly rules that may disadvantage Cellular licensees as compared to other commercial licensees as quickly as possible. Similarly, today's item references the Commission's WRS Reform proceeding that was started in 2010.¹ This proceeding, which considers such things as harmonizing renewal procedures and permanent discontinuance policies for multiple spectrum bands, should finally be concluded. The Commission should also finish the proceeding to eliminate the CMRS presumption in Part 20 of the Commission's rules.² Although this seems to be a minor change, it would further harmonize Cellular with the flexible use policies in place for other wireless services.

I thank the staff for their work on this item and look forward to working with them on these other issues.

¹ *Amendment of Parts 1,22,24,27,74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, WT Docket No. 10-112, Notice of Proposed Rulemaking, 25 FCC Rcd 6996 (2010).*

² *Amendments to Harmonize and Streamline Part 20 of the Commission's Rules Concerning Requirements for Licensees to Overcome a CMRS Presumption, WT Docket No. 16-240, Notice of Proposed Rulemaking, 31 FCC Rcd 8470 (2016).*