

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS,  
APPROVING IN PART, DISSENTING IN PART**

Re: *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, GN Docket No. 14-177

Good policymaking requires good process. Agencies must conduct their rulemakings in an open and transparent manner, so the public can review our plans and offer input. Doing so allows parties the opportunity to raise issues that we might have missed and generally results in a better final product. This is particularly important for spectrum policy, where we are making decisions impacting the next generation of technology and services, not just for the United States, but for the world.

Such is the case with this item. After the original draft was placed on the agenda, questions arose about the process governing DoD requests for new sites in the Upper 37 GHz band. Parties expressed concern that the original draft language suggested that non-Federal licensees in the Upper 37 GHz band would have inferior rights to future DoD requests to open new sites in that band. They also objected to the lack of notice regarding the proposed approach to handling such DoD requests. Accordingly, the staff worked with NTIA and DoD to revise the item to respond to those concerns.

While I appreciate those efforts, I believe the appropriate course would have been to delay final action until we had sought and reviewed public comment on the process adopted in this item. I fully support the plan to auction this spectrum, but I am concerned that we did not give the public a fair opportunity to comment on the process that would apply for new DoD requests to operate in this band. And while I appreciate that we are moving quickly to make millimeter wave spectrum available, I don't think a brief delay here would be problematic. We are only today seeking comment on the procedures governing the auction of this spectrum, and the equipment standards for the 37 GHz band will not be finalized for at least a year. I would rather take our time and get it right than rush a decision and risk getting it wrong.

With respect to the other issue presented in this item, I support the order's common-sense approach that allows satellite operators to roll out broadband solutions to reach underserved communities while protecting future terrestrial wireless operations in the 50 GHz band. Satellite broadband is a promising technology, particularly for disaster relief and the hardest-to-reach populations, and I'm pleased that we were able to reach a solution here that permits such service while we develop rules for terrestrial operations.

Finally, my thanks to the staff in the Wireless Telecommunications Bureau, International Bureau, and the Office of Engineering and Technology for your hard work on this item.