

STATEMENT OF COMMISSIONER GEOFFREY STARKS

Re: *In the Matter of Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100

It's been nearly 20 years since the Commission first designated the 4.9 GHz band for public safety use. The results have been frustrating, at best. While FCC records show over 3,500 licensees in the band, it is widely agreed that the spectrum remains underutilized, particularly in rural areas. That's why the Commission has repeatedly sought to consider and adopt new approaches to the band, including today's Eighth Further Notice of Proposed Rulemaking.

The item adopted late last year was an abdication of our federal spectrum policymaking responsibility and risked the creation of dozens of inconsistent state-based spectrum regimes with different approaches to critical issues like interoperability, security, and interference protection. As I stated in my dissent to that item, the majority's decision could have caused public safety usage of the 4.9 GHz band to become less efficient, secure, and reliable—even as commercial interest remained meager at best. It's no surprise that, in response to the multiple petitions for reconsideration of that decision, not a single party defended the original order.

Today's decision takes a much stronger approach by starting with the recognition that public safety is the primary purpose of the band, and we should focus our efforts on fostering greater public safety use of the band. That means a nationwide, coordinated approach to management of the band with better frequency coordination, a greater understanding of spectrum usage and availability, and encouragement of the use of the latest 5G technology.

While recognizing that public safety should remain the priority, I also support asking how we might expand use of the band to non-public safety entities, whether through leases, segmenting the band, managed access, or some other form of sharing. I look forward to hearing from commenters about how such entities can use the band in a manner that does not cause harmful interference to public safety operations.

I support this item and thank the staff of the Public Safety and Homeland Security and Wireless Telecommunications Bureaus for their hard work.