

**DISSENTING STATEMENT OF
COMMISSIONER NATHAN SIMINGTON**

Re: *Modifying Emissions Limits for the 24.25-24.45 GHz and 24.75-25.25 GHz Bands*; ET Docket No. 21-186, Notice of Proposed Rulemaking (December 22, 2023)

I respectfully dissent from this notice of proposed rulemaking (NPRM). As stated in the introductory paragraph, it was intended to “implement certain decisions regarding the 24.25-27.5 GHz band made in the World Radiocommunication Conference held by the International Telecommunication Union (ITU) in 2019 (WRC-19).” However instead of focusing only on those decisions made at WRC-19, the item unnecessarily delves into seeking comment on after-the-fact proposals about out-of-band emissions that conflict with the notice given to bidders in the 24 GHz auction that the Commission would not adopt limits that are significantly stricter than what was agreed to at WRC-19.

The NPRM also seeks comment on applying emissions limits to fixed operations deployed in the band, all the while acknowledging that WRC-19 did not study fixed deployments. Opening up these issues to question post-auction sets a bad precedent that could upend investments made by the bidders at auction. It also disrupts the deployment of fixed and mobile services that have been deployed in the band since the conclusion of the auction that may have been based on assumptions that the Commission would adopt emission limits consistent with WRC-19 Resolution 750.

For these reasons, I respectfully dissent.