

**SEPARATE STATEMENT OF  
CHAIRMAN MICHAEL K. POWELL**

*Re: Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, and 2175-2180 MHz Bands, Notice of Proposed Rulemaking. WT Docket No. 04-356; and Sixth Report and Order, Third Memorandum Opinion and Order (ET Docket No. 00-258), and Fifth Memorandum Opinion and Order (ET Docket No. 95-18) (Adopted September 9, 2004)*

One of our core mandates is to promote the efficient use of spectrum. Today we further that mandate by making available 20 MHz of spectrum suitable for the provision of new advanced wireless services and technology.

The 20 MHz of licensed spectrum we make available, in addition to the 90 MHz of spectrum previously made available, will help expedite the delivery of licensed broadband Internet wireless service to all consumers across the nation. As is evident from today's Ninth Competition Report, wireless providers are increasingly utilizing their licensed spectrum holdings to build infrastructure to support Internet applications. This additional spectrum will enable providers to employ more bandwidth-intensive applications and services and expedite the delivery of true broadband access.

Overall, our allocation and proposed service rules seek to maximize the flexibility of licensees to choose the types and characteristics of the services that they will offer in their licensed spectrum and define spectrum users' rights and responsibilities clearly. We also address an appropriate relocation and reimbursement policy to compensate entities for expenses incurred in relocating incumbents.

There have been interference concerns raised in the record about proceeding with the designation of the 1915-1920 MHz band for advanced wireless services. I particularly note and appreciate the efforts of Sprint and Nokia to produce, under very short time frames, real world test results for our analysis. I believe that today's designation decision combined with the initiation of a service rules proceeding will afford the Commission latitude to address comprehensively the existing and future test results about the most viable and valuable uses of this band. In the end, my colleagues and I unanimously felt that we could proceed responsibly now and produce services rules responsive to a full record on these issues.

In sum, we strike the right balance by promoting the efficient use and availability of spectrum while at the same time seeking comments on a number of licensing, technical, and operational rules to govern the use of the 20 megahertz of spectrum designated for AWS. I know that these rules are of great interest and I welcome industry input and independent testing on these issues.

Lastly, I applaud the collaborative efforts of the Wireless Telecommunication Bureau and the Office of Engineering and Technology in helping to bring these important items before the Commission.