

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS
Approving in Part, Concurring in Part**

Re: In the Matter of Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands; IB Docket No. 01-185, IB Docket No. 02-364.

I agree with today's decision in most respects. I believe that ATC is a vital tool for the MSS industry. It holds the promise of allowing MSS operators to bring improved service and new competition to most of the country through their satellite networks. Satellite has a critically important role to play in bringing the wonders of the digital era to our citizens, especially in hard-to-reach areas. ATC also allows these carriers to serve areas that cannot be reached by satellite through a terrestrial network. I place great stock in the analysis of the FCC's engineers on the interference dispute that we resolve today, and my support of this item is based on their analysis and recommendation.

When we granted ATC authority, however, I argued that the Commission should consider the importance of fees for satellite carriers who choose to use their un-auctioned satellite spectrum licenses for terrestrial uses. We must ensure that the American people are adequately compensated for private use of a public resource and that all spectrum users have the incentive to use spectrum intensively. Because the Commission again fails to do explore spectrum fees, I must concur in part.