

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

RE: Wireless Operations in the 3650-3700 MHz Band (ET Docket No. 04-151); Wireless Operations in the 3650-3700 MHz Band; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band (ET Docket No. 02-380); and Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band (ET Docket No. 98-237).

I'm hopeful that our actions in this item will lay the groundwork for much needed new broadband competition and additional broadband service to rural parts of the Country. To encourage this, we adopt a licensing system that draws much of its inspiration from the success of the unlicensed bands. While each operator will need an FCC license and will have to register fixed facilities, these licenses are not exclusive. Multiple licenses will be able to provide service in the same community, competing with one another or serving different types of customers. In this way, the system we create today is much like the system we use in the unlicensed bands. Entrepreneurial, municipal and mesh networks can begin operation without the heavy financial burden of an auction and competition will not be limited by the use of exclusive licenses. Auctions and exclusive licenses are powerful tools that have given us great success in other bands and we should not retreat in our use of these tools. But these devices do not always best serve every band, technology, and business plan, as the Commission finds today.

Unlike the unlicensed bands, however, we allow higher power use and establish tools by which licenses can avoid or correct interference. First, each licensee must include technology within its network that is designed to avoid interference. This, we hope, will avoid much of the interference possible when multiple high power systems operate along side one another. Second, each licensee will know the location of each other licensee because of the registration system, reducing the costs associated with identifying potential interference sources and allowing better initial system designs. Therefore, while there is no first-in-time interference protection, licensees can engineer their systems to avoid mutually destructive interference between new and existing systems. Additionally, every licensee has the responsibility, when contacted by another licensee asserting that they are suffering interference, to work with them in good faith to resolve the interference. If a licensee believes another licensee is intentionally interfering or breaching this good faith responsibility, they can come to the FCC.

Importantly, we also exclude licensees from operations in areas where government facilities and satellite operations are likely to receive harmful interference. Fixed facilities will not be allowed in these areas. Mobile devices will not be able to operate when brought into these areas because all mobile equipment must be able to receive a usable signal from a fixed transmitter before itself transmitting. This will ensure that they cannot wander into restricted areas. These restricted areas will significantly reduce the ability for the 3650 band to bring competition into parts of the Country, but avoiding harmful interference to government and satellite operators is

critical. Additionally, satellite and new terrestrial operators have the responsibility to work in good faith to find ways of allowing new terrestrial use even in these restricted areas where possible. I hope that this will result in some technical agreements in these areas.

This is an innovative approach, and I congratulate OET and WTB for their hard work.