SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN

Re: *Modification of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval; ET Docket No. 03-201*

The development of wireless ISPs and the advent of so-called hotspots using unlicensed spectrum has been one of the Commission's great success stories over the last several years. I support this item because it continues our efforts to promote the development of unlicensed devices and services. The tremendous growth of WiFi in the 2.4 GHz band was facilitated by the licensing (or more appropriately the "unlicensing") approach initially adopted by the Commission for this band. Part 15 of our rules allows manufacturers to develop technologies for the unlicensed bands that anyone can use without a license. We must continue this policy approach so that we encourage as many avenues or technologies as possible for broadband and other important services to reach consumers, no matter where they live.

My goal as a policymaker is to maximize the services and information that flow over our airwaves. A regulatory framework for innovation can provide the necessary conditions that support the growth and development of spectrum-based services, including continued use of the unlicensed bands. Such a framework functions in a manner akin to a greenhouse, in which plants are protected from the elements by a structure and are nurtured so that they can thrive on their own within it.

I believe that in the NPRM adopted today, the Commission properly strives for such an approach to spectrum management. We want to enhance our existing Part 15 structure so that it continues to encourage the growth of the unlicensed industries, but also controls the elements, like minimizing interference that may impact existing and future operators. Just as a greenhouse can support different types of plant forms, our framework for innovation does the same – it must be flexible enough to accommodate all different kinds of technologies, such as those used with the latest antennas. Our framework does not choose which technology will survive, and which will not, but it must create an environment that allows the different seeds of technology to truly have an opportunity to grow and develop on their own. I believe that we have such an approach here, and I am optimistic that our framework for innovation will enable new technologies in the unlicensed space to continue to meet the public's demand for broadband more efficiently.