

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands; Loea Communications Corporation Petition for Rulemaking, Report and Order, WT Docket No. 02-146, RM-10288

I am pleased to approve this item, which adopts service rules to facilitate commercial use of the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands. As I have previously discussed, the amount of available spectrum is ultimately limited only by technology. *See generally* Separate Statement of Commissioner Kevin J. Martin, *Amendment of Part 2 of the Commission's Rules To Allocate Spectrum Below 3 GHz for Mobile and Fixed Services To Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 16043 (2001). Today's Order illustrates that point. The 71-76 GHz, 81-86 GHz, and 92-95 GHz bands – which have wavelengths of about three to five millimeters – have never before been used commercially. Indeed, it was previously unclear how these bands could be used. Now, however, the private sector is experimenting with different uses for these bands, and this spectrum may ultimately be used commercially for high-speed wireless local area networks, broadband access systems for the Internet, point-to-point communications, and point-to-multipoint communications. I am pleased that we are facilitating these kind of services.

While, at present, the Commission must regard spectrum as a scarce natural resource, I am optimistic that future technological development will reduce this sense of scarcity. Such development may, as here, enable use of previously unusable spectrum bands and provide for more efficient use of the spectrum we are already using. Today's Order increases my optimism.