

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices; Notice of Proposed Rulemaking; ET Docket No. 03-122.

The evolution of unlicensed wireless devices over the past decade has been amazing. What was once the province of garage door openers, baby monitors, and cordless phones now is also the home of wireless LANs, hotspots, and cyber cafés.

I support this item because it continues the Commission's effort 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. Our unlicensed service rules allow manufacturers to develop technologies that anyone can use without a license. In proposing to add spectrum in the 5.8 GHz band for unlicensed use, we must continue this regulatory approach so that we encourage as many avenues 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 future use of the 5.8 GHz band. 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 build a structure that encourages the growth of the unlicensed industries, but also controls the elements, like harmful interference that may impact incumbent operators. The issue of harmful interference is so important in this case because of the existing use of the 255 megahertz by Department of Defense radar systems. I applaud all of the parties who were involved in preparing the US position on Agenda Item 1.5 at next month's World Radiocommunications Conference, which also serves as blueprint for this NPRM.

Just as a greenhouse can support different types of plant forms, our framework for the U-NII bands must do the same – it must be flexible enough to accommodate all different kinds of technologies. Our framework should 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 proposed such an approach here, and I am optimistic that our framework for innovation will enable new technologies in the unlicensed space to meet the public's demand for broadband more efficiently.