

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Education and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands (WT Docket No. 03-66); et al., Report and Order and Further Notice of Proposed Rulemaking. (Adopted June 10, 2004).

We are witnessing the dawn of a new era for wireless broadband. Today's decision does away with heavy-handed rules that have governed the MDS/ITFS band ("2.5 GHz band") for far too long. Freed from regulatory shackles, educational institutions will now have the flexibility to utilize their spectrum in the way most advantageous to the students and the public they serve.

The magnitude of today's ruling is apparent when one considers that this band is *double* the spectrum that sparked the WiFi explosion at 2.4 GHz and equivalent to the entire spectrum devoted to terrestrial mobile, wireless services. Until now, 2.5 GHz has failed to emulate the successes experienced by these other bands.

This Order gives ITFS and the newly named Broadband Radio Service (BRS) licensees new options for developing and deploying innovative technologies including low-power, mobile wireless broadband technologies. These systems will provide a competitive alternative to cable modem and DSL service and will transform the marketplace by expanding broadband rural areas and decreasing the price of current broadband services.

In addition, this Order offers more choices to educational institutions. Under these new rules, licensees can choose to continue delivering high-powered educational television, develop new instructional uses over the ITFS spectrum, or lease excess capacity to commercial operators to fund alternative educational delivery methods. It's up to them to decide what makes the most sense to serve their community.

Today's decision is yet another milestone in this drive to expand the advanced broadband services nationwide. By promoting education, competition, innovation, and broadband deployment today's decision helps benefit us all.

Lastly, I would like to express my sincere gratitude to the Wireless Bureau staff who worked many long hours to resolve the difficult issues presented in this proceeding. I'd also like to thank everyone who participated in this proceeding, my esteemed colleagues, the agency Bureaus, educators, and the industry, for their comments and insightful proposals.