

**SEPARATE STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

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.

With this order the Commission furthers two critical goals; maximizing the efficient use of the spectrum resource and facilitating the deployment of broadband services to all Americans. While many MMDS and ITFS licensees currently provide very valuable services to the public, it appears that these services have not yet reached their full potential and some of the spectrum remains underutilized. Licensees have repeatedly told us that regulatory hurdles thwart their attempts to deploy the new, innovative services demanded by the market.

This order responds directly to a proposal from the ITFS and MMDS industries for major revision of current regulations. Our intent is to ensure these services will no longer be hindered by outdated and overly restrictive regulation. While we have not adopted the industry proposal in total, we have used it as a solid basis for many of the rule changes we adopt today. These new policies will promote greater flexibility for the newly named Broadband Radio Service (BRS) licensees so that they can deploy new products, such as a third broadband pipe to the home, a mobile solution, a broadcast alternative, or some other service, as driven by the market. In addition, this order grants the educational community the same flexibility as commercial users in order to ensure that our nation's educators have access to the most innovative technologies and services.

As BRS and ITFS licensees transition to our new band plan, I look forward to receiving the upcoming reports from the Wireless Telecommunications Bureau which will monitor and evaluate the use of the band to ensure that the spectrum is being used efficiently and effectively.

Finally, I want to thank all the parties that participated in this proceeding for their cooperation and input, as well as the staff of the Wireless Telecommunications Bureau for their tireless work to quickly resolve the many issues presented to us in this proceeding.

