

SEPARATE STATEMENT OF COMMISSIONER JONATHAN S. ADELSTEIN

*Re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems; ET Docket No. 00-258
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band; IB Docket No. 99-81 (Adopted January 29, 2003)*

My decision to support the shift of our domestic 2 GHz Mobile Satellite Services (MSS) allocation is not made lightly. I recognize the hard work of Commission staff and industry personnel at the 1992 World Administrative Radio Conference (and at subsequent conferences) in securing a global allocation of MSS spectrum in the 2 GHz band. However, over 10 years later, it now appears that our domestic economy and communications marketplace is better served by a shift in our country's 2 GHz MSS allocation.

I believe that this shift will serve many purposes. It will help minimize the potential for harmful interference to the millions of Americans who use Personal Communications Services (PCS) phones in the 1930-1990 MHz band from ancillary terrestrial handsets operating in the MSS band. The explosive growth of PCS phones is unprecedented, and no one could have ever imagined the proliferation of commercial mobile radio services over the past several years. The shift also will help minimize the potential for harmful interference from PCS base station transmitters into the terrestrial base receivers that MSS licensees will begin deploying once they receive authority to provide ancillary terrestrial services. Finally, the shift allows us to consider the use of paired spectrum in the 1910-1920 and 1990-2000 MHz bands for expanded PCS services, for advanced wireless services, for unlicensed services, or as replacement spectrum for other services.

I recognize that there may be a potential economic and engineering impact on certain 2 GHz MSS licensees as a result of our decision today. However, I am hopeful that those licensees seeking to serve global markets can work with our International Bureau so that they are able to use spectrum allocated for globally harmonized use. Similarly, I hope that regional or domestic systems in the 2 GHz MSS band will make frequency selections outside of the global allocation, but which still fall within the 2 GHz MSS spectrum that is harmonized with the rest of Region 2.

Finally, I express my strong support for the efforts of our Commission staff in preparing for WRC-03 and future international conferences and meetings. I sincerely hope that our decision does not undermine the efforts of these dedicated professionals in their dealings and negotiations with members of the international communications community. It cannot be emphasized enough that today's decision is made at the Commission level based on circumstances no one could have predicted at the time the original 2 GHz MSS allocation was made.