

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: Amendment of Part 90 of the Commission's Rules, WP Docket No. 07-100

It has been 16 years since the Commission reallocated 50 MHz of spectrum from federal users to public safety officials. Six years ago, the Commission remarked that the spectrum's use has "fallen short of its potential." Today, with only 3.5% of potential licensees actually using the band, we repeat that statement of disappointment.

This Notice represents another attempt to promote more intensive use of the 4.9 GHz band. It asks about adding flexibility to our rules by proposing greater channel aggregation and new uses of the spectrum. And it seeks comment on requiring more from users, including by proposing more stringent frequency coordination and tighter construction deadlines.

I certainly support the reason for putting these ideas forward. But in my view the most valuable part of the Notice might be found in some of its last few paragraphs. There, we ask whether, in light of the past 16 years of results, we should fundamentally rethink our approach to the band, including opening it up for additional use cases.

Over the years, the Commission's spectrum policy has moved away from central planning. We have embraced flexible use approaches and declined requests to micromanage particular bands. This approach—rather than our predictive judgment—has proven to reach better results. So I welcome the chance to explore whether that approach—or other alternatives—might make sense for the 4.9 GHz band. And I am glad that my colleagues agreed to expand the Notice's discussion of these ideas. There are a number of reasons why we have not batted 1,000 in our efforts to put the 4.9 GHz band to productive use, and I am open-minded about whether we need to revisit our prior designations.

I look forward to reviewing the record as it develops. And I want to thank the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau for their work on this item. It has my support.