

## SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

*In re: Reallocation of 216-220 MHz, 1427-1430 MHz, 1430-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands, WT Docket No. 02-08, (rel. February 6, 2002)*

In the allocation and service rule decisions in this docket the Commission has made important spectrum management decisions that will provide valuable new services to the American people. I write separately to applaud three key aspects of today's order: (1) diverse and flexible spectrum policy, (2) creative domestic policy sensitive to global considerations, and (3) support and due consideration for private parties' compromise solutions to public policy issues.

First, the Commission proposes to license two 5 MHz unpaired blocks of spectrum on a nationwide basis. As the marketplace and technology evolve, the Commission will be increasingly called upon to license spectrum in innovative and non-traditional ways. The days of always seeking to auction 10 MHz paired blocks are over. Instead a diversity of technologies (i.e. ArrayComm's TDD and AeroAstro's satellite enabled notification system) and applications (i.e. Microtrax personal location system) require diverse allocation and service rule decisions. This is particularly true while the transaction costs of spectrum deals in the secondary market remain so high. These high costs increase the importance of diversity and flexibility in our initial allocation and service rules. Today's items advance the Commission's goals in this regard, while underscoring the importance of our secondary markets proceeding to the long-term health of our spectrum management policy.

Second, our items provide for a contingent allocation for Little Leo satellite services in the 1.4 GHz band. While it is not typical for the Commission to allocate spectrum on a contingent basis, failure to provide for such a contingency would have unfairly foreclosed the Little Leo community's ability to succeed at the World Radio Conference in 2003. Once again, the increasingly complex and global spectrum management landscape has required us to adapt and respond creatively – our contingent allocation evidences this capability.

Finally, the Commission today takes an important step towards meeting the needs of the utility and medical telemetry communities by tentatively concluding that their compromise proposal will guide our consideration of the 1427-1432 MHz band. Although we will obviously await a full record and careful consideration of this issue, the compromise advanced by the parties should be applauded. The medical and utility telemetry communities privately crafted a solution that advances each of their interests – a job often better done by the parties than by government. There is no question that mutual resolution of their private interests greatly assists the Commission in assessing the broader public interest. I look forward to working with all the parties and my colleagues to take advantage of the significant opportunities presented by these bands – and continuing to craft an evolving spectrum policy that maximizes those opportunities.