

SEPARATE STATEMENT OF COMMISSIONER
MICHAEL J. COPPS

RE: Relocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59 (GN Docket No. 01-14, Report and Order) (Rel. December 12, 2001).

I support today's *Order* because I believe that it balances two important goals: promoting the transition to digital television and establishing a pathway to making channels 52-59 available for new services as Congress instructed us to do.

Importantly, the *Order* furthers these goals without reducing our responsibility to conduct a public interest review of any proposed transaction that would clear an existing broadcaster from the band. Channels 52-59 occupy spectrum that I believe can support exciting new services throughout the nation. My hope is that this spectrum will someday contribute to bringing more broadband wireless services to rural America, but I do not underestimate the challenges that confront our path to that happy ending. I commend the many rural carriers who participated in this proceeding. Today we establish a band plan that includes the auction of Rural Statistical Areas, which many rural carriers believe will give them the ability to harness this spectrum for the good of small businesses and citizens in some of our most rural areas. Getting broadband to these areas is an important national priority.

Continued access to free over-the-air television is also a central concern of this Commission. Broadcasters serve a special and critical role in our communities and in the nation's marketplace of ideas. We must always work to maintain the viability of free over-the-air television, and protect this service for the millions of Americans who receive their news, entertainment, and so many other services solely from over-the-air broadcasting. Free over-the-air television will be just as critical in the digital era as it is right now in these early days.

By refraining from adopting the band-clearing incentives for channels 52-59 that the previous Commission adopted for channels 60-69, we guarantee that, as has always been the case in other bands, we will review band-clearing proposals with the understanding that "once in operation, a station assumes an obligation to maintain service to its viewing audience, and the withdrawal or downgrading of existing service is justifiable only if offsetting factors are shown which establish that the public generally will be benefited."¹ Therefore, we come down squarely on the side of a public interest review of each case rather than letting purely commercial transactions determine the future of this critical public spectrum.

¹ *Triangle Publications, Inc.*, 37 FCC 307, 313 (1964), citing *Hall v. FCC*, 237 F.2d 567 (D.C. Cir. 1954).