

**Remarks of  
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**PCIA - Wireless Infrastructure Show  
Orlando, FL  
October 2, 2007**

[As prepared for delivery]

Thank you, Mike, for the kind introduction and for inviting me to join your conference. I truly appreciate the role PCIA's members play as the owners and managers of the facilities that support mobile and fixed services. As a Commissioner, I see my job as working to pack as much data – as much communications – over the spectrum as we possibly can. I take facilitating communications – the FCC's middle name – very seriously. I am a strong believer in the need to facilitate the deployment of infrastructure for our spectrum-based providers. Your success fuels our economic growth and public safety. And if we are going to see increased competition in the broadband sector, it has to come from wireless.

Broadband is truly the key to economic growth in this digital information age. It can open the door to educational and economic opportunities to communities across America, enriching people's lives. That is why facilitating access to wireless broadband and promoting its deployment are two of my core policy goals at the FCC. And it is a goal that I know PCIA members share. You provide the backbone that enables the continued deployment of wireless, including broadband, and broadcasting services.

I see it as our role to promote the expansion of communications infrastructure. The construction of communications towers and other improvements will drive the rapid deployment so many people want. Every day, Americans are expecting wider availability of advanced communications services. Towers will not only form the backbone of the transition to digital television, they are used around the clock by public safety and are a critical component of our nation's homeland security efforts. And of course, consumers heavily rely on their cell phone service. In traveling the country, no matter where I am, people regularly ask me to help them get better mobile wireless coverage, particularly in rural and underserved areas.

That is why I was pleased to support with then-Chairman Powell the adoption of a Nationwide Programmatic Agreement (NPA), a landmark agreement. Together, we streamlined and tailored the review process for communications towers and other Commission-licensed facilities. At the same time, the NPA ensures continued protection of historic properties, including those to which federally recognized Indian tribes and Native Hawaiian Organizations attach religious or cultural significance. This is a good way to manage our communications infrastructure -- in a manner that best preserves our nation's environmental and historical resources while still facilitating deployment.

Because we should not stand in the way of deployment, I was troubled to learn of a significant tower application backlog after the NPA was adopted. I immediately set to work with my colleagues and with organizations like PCIA to address it quickly before the construction season ended across much of the country. We came up with an approach that best addressed the application backlog and still met the needs of all concerned parties – tribal organizations, carriers, and trade associations and infrastructure priorities -- going forward. I fully endorsed the level of cooperation and understanding that helped us develop the approach we adopted then, and today it continues to serve as a guide for further collaborative efforts under the NPA. While I know there have been some challenges in the implementation of the NPA, we can and should continue to improve the process to ensure that consultation under the NPA works as smoothly as possible.

I also supported a Notice of Proposed Rulemaking last year taking a thorough and thoughtful review into the potential effects of communications towers on migratory birds. I believe this rulemaking takes a balanced look at a challenging issue. Migratory birds are a prized natural resource. Conservation of the migratory bird population and their habitats for future generations is an important goal for our society.

At the same time, I recognize the concerns expressed by some in the industry that government intervention in this arena is unwarranted. So I was pleased that our rulemaking asked tough questions and equally explored both sides of the issue so that we may best develop a strategic approach for dealing with the impact that communication towers may have on migratory birds.

We hear a lot of ideas in Washington about how to promote broadband deployment. I see my job as helping you accomplish your goal of expanding and improving your service, which so greatly benefits the public. One of the best opportunities for promoting broadband, and providing competition across the country, is in maximizing the potential of spectrum-based services. The Commission needs to do more to stay on top of the latest developments in spectrum technology and policy, working with both licensed and unlicensed spectrum.

Spectrum is the lifeblood for much of this new communications landscape. The past several years have seen an explosion of new opportunities for consumers, like Wi-Fi, satellite-based technologies, and more advanced mobile services. We have to be more creative with what I have described as “spectrum facilitation.” That means looking at all types of approaches – technical, economic or regulatory – to get spectrum into the hands of operators ready to serve consumers at the most local levels possible.

Of course, licensed spectrum has and will continue to be the backbone for much of our wireless communications network. We are already seeing broadband provided over satellite, new wireless broadband systems in the 2.5 GHz band, and the increasing deployment of higher speed mobile wireless connections from existing cellular and PCS providers.

While many simply talk about broadband deployment, I have been active about taking specific steps to drive actual wireless broadband build-out. I worked with Sprint and Nextel during their merger to secure significant build-out commitments from the companies for the 2.5 GHz band in association with their merger. Since then, Sprint Nextel has exceeded my expectations by announcing plans for a multi-billion dollar WIMAX deployment with services to at least 100 million people by year-end 2008.

When faced with the AT&T – BellSouth merger, I worked closely with the applicants to come up with conditions for the merged company’s holdings intended to push wireless broadband deployment.

Most significantly, AT&T agreed to divest the licenses and leases it acquired in the 2.5 GHz band from BellSouth. This significant commitment will ensure that an independent broadband access provider – which turned out to be Clearwire – that is interested in developing services in the 2.5 GHz band will now have access to spectrum in an important part of the country that may otherwise have been unavailable. Increased 2.5 GHz availability in the southeast will lead to the deployment of wireless broadband services in this market in direct competition to the new AT&T – a real boon for consumers. And consumers in other markets will benefit as increased deployment in the southeast will continue to improve efficiencies for the entire 2.5 GHz industry.

I also was pleased that AT&T committed to jumpstart service in the under-used 2.3 GHz band by agreeing to a specific construction commitment over three years. AT&T already has conducted a number of successful trials. I want to see more deployment in the 2.3 GHz band. AT&T met my challenge by committing to a specific level of build-out by July 2010. Like a rising tide that lifts all boats, AT&T’s work in this band will be a boon for other wireless broadband providers looking to provide service in the 2.3 GHz band.

The Commission to some extent used the historic opportunity in the upcoming 700 MHz auction to facilitate the emergence of a “third” broadband platform. This is the biggest and most important auction we will see for many years to come. While the auction rules reflect a compromise among competing interests, I am hopeful we provided opportunities for a diverse group of licensees in the 700 MHz auction.

Our build-out requirements are the most aggressive we have ever approved. These rules will promote deployment and benefit consumers across the country. We also put in place a new approach to spectrum management by adopting a meaningful, though not perfect, open access environment on a significant portion of the 700 MHz spectrum. This decision represents an honest, good faith effort to establish an open access regime for devices and applications that will hopefully serve consumers well and create opportunities for providers for many years to come.

I have been disappointed, though, with the way that the Commission has handled its designated entity program. The bidding credits made available through our designated entity program can be a potent means of getting spectrum into the hands of small businesses and entrepreneurs. Yet, the Commission has missed the chance, time and

again, to craft rational DE rules. So, it was unfortunate that, in the 700 MHz proceeding, we lost another opportunity to provide crucial bidding credits to designated entities that wholesale fully built-out network services. I think it is essential that we revisit our policies in this respect to ensure that all bidders have opportunities to bid, particularly where wholesale service is a compelling option for new and diverse providers. Now that litigation from the AWS auction was resolved last week, we have a chance to move quickly on that.

Beyond the 700 MHz auction, there are other important broadband opportunities. Unlicensed broadband services can help many underserved communities because unlicensed spectrum is free and, in most rural areas, lightly used. It is immediately accessible, and the equipment is relatively cheap because it is so widely available. I have also worked closely with the Wireless Internet Service Provider (WISP) community, which has been particularly focused on providing wireless broadband connectivity in rural and underserved areas.

But we can always do more for rural WISPs and other unlicensed users. I have heard from operators who want access to additional spectrum and at higher power levels. And the Commission has been doing just that. We have opened up 255 megahertz of spectrum in the 5 GHz band – more spectrum for the latest Wi-Fi technologies – and are looking at ways to increase unlicensed power levels in rural areas.

I also have pushed for flexible licensing approaches that make it easier for community-based providers to get access to wireless broadband opportunities. We recently affirmed our rules to make spectrum in the 3650 MHz band available for wireless broadband. To promote interest in the band, we adopted an innovative, hybrid approach for spectrum access. It makes the spectrum available on a licensed, but non-exclusive, basis. I have spoken with representatives of the Community Wireless Network movement, and they are thrilled with this decision and the positive impact it will have on their efforts to deploy broadband networks in underserved communities around the country.

I am also continually evaluating our service and construction rules to ensure that our policies do not undercut the ability of wireless innovators to get access to new or unused spectrum. There still is much work to be done in the broadband space. With even more changes and consolidation in the communications industry since last year, it continues to be critical that we make vibrant, spectrum-based communications opportunities available to more consumers and companies.

### **A National Broadband Strategy**

To ensure that broadband is available and affordable, we must engage in a concerted and coordinated effort to restore our place as the world leader in telecommunications. This will require a comprehensive national broadband strategy. Even though we have made strides, I am concerned that we are not keeping pace with our global competitors. As we are reminded on a regular basis with the release of the new studies, we must confront head-on the uncomfortable reality that every year we slip further down the international broadband rankings.

Whatever you think about the rankings, even more troubling is the growing evidence that citizens of other countries are getting a much greater broadband value, in the form of more megabits for less money. U.S. consumers pay nearly twice as much as Japanese customers for connections that are twenty times as slow. This isn't a public relations problem, it's a productivity problem, and our citizens deserve better.

This must be a greater national priority. It warrants a coherent, cohesive, and comprehensive strategy – one that seriously addresses our successes and failures, and strives to improve our broadband status. Virtually every other developed country has implemented a national broadband strategy. We need our own concerted and coordinated effort.

A true broadband strategy should incorporate benchmarks, deployment timetables, and measurable thresholds to gauge our progress. We need to set ambitious goals. We should start by updating our current definition of high-speed – just 200 kbps in one direction – to something more akin to what consumers receive in countries with which we compete, magnitudes higher than our current definitions. We will also need much more reliable data than we currently collect – so we can better ascertain our current problems and develop solutions.

We must re-double our efforts to encourage broadband development by increasing incentives for investment, because we will primarily rely on the private sector as the driver of growth. These efforts must take place across technologies so that we not only build on the traditional telephone and cable platforms, but also create opportunities for deployment of fiber-to-the-home, fixed and mobile wireless, broadband over power line, and satellite technologies.

We must work to promote meaningful competition, as competition is the most effective driver of lower prices and innovation. We can not let the U.S. broadband market stagnate into a comfortable duopoly, a serious concern given that cable and DSL providers control 96 percent of the broadband market. Many of you understand the impact of consolidation, and the need for competition. You need to impress that understanding on all of us at the FCC and in Congress.

### **Conclusion**

If we are going to see real broadband competition, it probably has to come from wireless. I have coined a new phrase; we should not talk about a third broadband “pipe” anymore, but a third “channel.” Mark my words, spectrum-based services ultimately will be the next driver of competition in the broadband space.

So, we all will play an important role in promoting the further deployment of spectrum based services for the benefit of our country and economy. I wish you the best of luck with your conference, and I look forward to working with you on these critical efforts.