

Separate Statement
of
Commissioner James H. Quello

Re: In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, ET Docket No. 92-9 (RM-7981 & RM-8004)

I agree with the conclusion in this Memorandum Opinion and Order that the incumbents, including public safety entities, in the 1.8 - 2.2 GHz band will likely experience difficulty sharing this frequency band with the new entrants, including PCS providers. I have concerns about the process by which the Commission came to this conclusion and the procedure for relocating these critical public safety communication service providers. In light of our previous decision to grandfather indefinitely a narrowly defined class of public safety entities, I believe that this Commission should have apprised the public safety community of this impending change. The Commission staff could have worked with representatives of the police, fire, and emergency medical communications providers to explore other options such as transition timeframes and, in some cases, technical ability to share the band. I am hopeful that the combination of a voluntary and mandatory five-year total period of negotiation together with the requirement that the new entrants pay for alternative communications systems acceptable to the displaced public safety providers will ameliorate the disruptive effects of their eventual removal from this spectrum band. Nevertheless, these procedures may not be adequate in every situation. For example, in rural communities it may be possible to design new PCS systems around the less densely used existing public safety communications microwave links, while in heavily congested urban environments complete relocation of public safety equipment may be the only technically viable option. Before removal of public safety from the new technology band, the Commission must assure the public safety community that there is spectrum available for their relocation and that the transition will not cost public safety entities additional money or disrupt the provision of their essential services.

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