

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
APPROVING IN PART, DISSENTING IN PART**

Re: The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band; IB Docket No. 06-123; Report and Order and Further Notice of Proposed Rulemaking, FCC-07-76

I support the vast bulk of this decision. In particular, I am very pleased that we have concluded a large portion of this proceeding in a relatively short time frame given that the 17/24 GHz BSS allocation became effective on April 1, 2007. I want to ensure that our satellite services have prompt access to this new allocation, and I appreciate very much the work of the International Bureau in bringing this item forward on a timely basis.

The 17/24 GHz BSS band holds great promise for operators to introduce a new generation of innovative satellite services to American consumers – providing a mix of video, audio, data, and multimedia services to residential and business subscribers. Indeed, the spectrum already is in high demand with over 20 applications on file for a variety of orbital locations. Because we adopt an orbital spacing requirement of four degrees, the item allows these applicants an opportunity to amend their applications to conform to the new orbital spacing framework and new technical rules. Our decision puts in place a freeze on the filing of new 17/24 GHz BSS applications until some time after the pending applications are amended.

It is the keen interest in the 17/24 GHz BSS allocation and our somewhat unique application situation that gives me some pause in this proceeding. I believe that our experience with the existing bond requirements and the Commission's already dubious track record of bond enforcement warrant for a far more aggressive approach with respect to the 17/24 GHz BSS band to ensure that the spectrum is promptly put to use.¹ This is a new allocation of a large swath of free spectrum that counsels for a higher bond obligation and a commitment from this Commission that it will hold 17/24 GHz BSS applicants accountable for their bond requirements. This spectrum is far too valuable to have it fall in the hands of speculators or those with anti-competitive interests. Like others, I am unsure that our existing safeguards against speculation are sufficient.

Finally, I am concerned that we have not considered more seriously the argument to increase the amount of programming that service providers in the 17/24 GHz BSS band are required to reserve for non-commercial programming of an educational or informational nature. Given the additional spectrum capacity being offered service providers by this new allocation, I believe we should have taken a harder look at the merits of increasing public interest programming to the maximum of seven percent.

For all of these reasons, I must approve in part, dissent in part.

¹ See Comments of Echostar at 18. "Such additional protection is needed because even the FSS bond and milestone requirements would not be enough to protect against speculation in the RBW [reverse band working] band with its relatively limited number of slots."