

SUMMARY OF TESTIMONY
OF
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AT
SPECTRUM EN BANC
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Mr. Rivera will testify on behalf of his client, Metricom, Inc. which provides wireless access to the Internet using primarily unlicensed spectrum in the unlicensed bands. The following is a summary of his testimony.

Creation of unlicensed operations was also the adoption of a significant spectrum allocation policy. Unlicensed operations cannot be merely an afterthought in the policy-making process. A regulatory environment must exist for unlicensed operations that is conducive to the accomplishment of a business plan and provides stable and adequate spectrum that has compatible sharers. Unlicensed operations promote efficient spectrum utilization through sharing and encourage technological innovation.

Allocation methods, other than sharing, are based on the premise that providing spectrum for new services must start from the point that interference will occur among users of the same spectrum and that interference is a bad thing. Most sophisticated users of unlicensed spectrum have no problem with reasonable, anticipated interference. These users have engineered their systems with sharing and interference in mind. Unlicensed systems that are not robust enough to withstand interference from other users and not cause interference will not survive in the marketplace. Rules like 47CFR15.247 encourage technology and marketplace forces to replace existing regulations and allow the engineers to invent the best solutions to manage the spectrum.

The questions of when the FCC should promote more flexible use of the spectrum and when should it adopt more detailed technical and operational regulations indicate a failure to appreciate the Part 15 paradigm. Part 15 works--the industry is robust and economically viable, systems and services have been created and products are in the hands of consumers and yet, the Part 15 rules are very brief. There are few detailed technical and operational specifications and no complicated etiquettes. The market decides the winners and losers and the FCC is spared the needless expenditure of resources to license and manage this spectrum.

The Part 15 industry is one of the few remaining places where someone with little capital can enter the telecommunications business and make a positive contribution in terms of new services and devices. One does not need to participate in an auction and the Part 15 rules reward innovation and technical achievement.

One of the largest problems the Part 15 industry faces is the fact that when the FCC is making spectrum policy decisions, it tends to forget about the Part 15 industry. This makes it most difficult to attract capital and customers. That Part 15 may not cause interference to others and must accept interference from all does not mean the FCC can make spectrum policy completely ignoring the existence of Part 15 interests. Generally, the Commission has conducted itself in a manner that confirms this point of view once reminded of Part 15 interests. The FCC needs to keep the Part 15 industry in mind when it launches frequency allocation and assignment proceedings. The Part 15 industry cannot be an afterthought in the spectrum policy-making process.