

April 27, 2020

Chairman Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Commissioner Jessica Rosenworcel
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Commissioner Michael O’Rielly
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Commissioner Geoffrey Starks
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Commissioner Brendan Carr
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: ET Docket No. 19-138, Use of the 5.850-5.925 GHz Band

Dear Chairman Pai, Commissioners Rosenworcel, O’Rielly, Starks, and Carr,

The undersigned organizations, representing millions of members and supporters across the country, write to urge you to move forward expeditiously with your compromise plan to enable unlicensed use of the lower 45 megahertz of the underused 5.9 GHz band while taking steps to encourage automotive innovation in the upper 30 megahertz. The policy that best serves the country is clear: the Commission should bolster U.S. economic growth by strengthening Wi-Fi networks at a time when we need these networks more than ever. This band should not be allowed to sit unused for another twenty years, mired in over-regulatory, technology-specific mandates. The record supports this result.

Comments filed in response to the Commission’s December Notice of Proposed Rulemaking and subsequent studies confirm that unlicensed technologies add hundreds of billions of dollars to the U.S. economy every year and that enabling unlicensed access to part of the 5.9 GHz band could add \$28.14 billion more by 2025.¹ As we have all experienced during this public health crisis, Wi-Fi is the critical technology that allows the country to keep working, learning, and accessing healthcare and financial services. Even before this dramatic increase in Wi-Fi demand, Cisco predicted that nearly 57 percent of U.S. internet traffic will travel over Wi-Fi by 2022 and that more than 70 percent of 5G traffic will be offloaded to Wi-Fi. The need for additional unlicensed spectrum, as the Commission recognized with its recent 6 GHz decision, is therefore pressing. The 5.9 GHz band is especially important to the unlicensed pipeline

¹ Raul Katz, *Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands* 4 (April 2020), <http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf>.

because existing and already deployed consumer equipment can be quickly updated to support the band. The FCC's 5.9 GHz proposal would also permit a wide range of important unlicensed applications under more flexible rules than adopted for the new 6 GHz unlicensed frequencies.

The primary arguments against the Commission's common-sense compromise do not stand up to scrutiny. First, automotive interests argue that they need the FCC to grant them another twenty years of exclusive right to all 75 megahertz of the band in order to provide automotive safety services, despite their failure to use the band for much more than pilot projects. The record does not support this position. In fact, the most promising automotive safety technologies that are being deployed today do not rely on the 5.9 GHz band at all. Sensors, cameras, and radar-based technologies are alerting drivers to impending dangers and blind spots. And many cars have and will have features to improve highway traffic management and allow automated parking and autopilot without using the 5.9 GHz band. To the extent that a market also evolves for connected vehicle technologies such as cellular V2X (CV2X), 30 megahertz is more than enough to deliver the Basic Safety Messages used for crash-avoidance applications.²

Second, automotive interests assert that the Commission's proposal will result in "signal leakage" from Wi-Fi in the lower part of the band into the upper part of the band, which they claim will cause harmful interference to their future operations. An FCC Office of Engineering and Technology report and engineering analysis on the record demonstrates that this is not the case. Furthermore, this assertion defies logic. These same interests claim that they need the full, existing 75-megahertz band. But this band already abuts the world's most-used Wi-Fi band at its lower edge. If automotive interests truly believe that they cannot design V2X equipment that can operate with Wi-Fi as a neighbor under the FCC's band-split proposal, then this equipment also could not operate under the current band plan even if the Commission does not act, because of signal leakage from hundreds of millions of *already-deployed* Wi-Fi devices. If this is the case, it would mean that the technology is misplaced in these frequencies no matter how the FCC proceeds and the FCC should consider moving automotive service out of the band completely before real deployment occurs.

Finally, in a last-minute effort to use government bureaucracy for delay, automotive interests push another round of expensive and unnecessary testing. But a major benefit of the Commission's compromise proposal is that there would be no co-channel operation of Wi-Fi and intelligent transportation systems, so the FCC and Department of Transportation can terminate their now-irrelevant co-channel interference test plan.

The Commission's compromise proposal will support automotive safety innovation and deliver the unlicensed wireless broadband spectrum needed to support critical communications at

² Comments of Qualcomm Incorporated at 7, ET Docket No. 19-138 (filed Mar. 9, 2020); Comments of Cisco Systems, Inc. at 9-10, ET Docket No. 19-138 (filed Mar. 9, 2020); Letter from Joe Waggoner, Executive Director, Tampa-Hillsborough County Expressway Authority, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 19-138, at 3 (filed Mar. 5, 2020).

hospitals, ports, railyards, airports, homes, and offices. We urge the Commission to move forward quickly to adopt its proposal.

Respectfully submitted,

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Thomas Schatz
President
Citizens Against Government Waste

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