FACEBOOK

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October 7, 2020

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation

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

Dear Ms. Dortch:

On Monday, October 5, 2020, Alan Norman and Priscilla Argeris of Facebook, Inc. met with Erin McGrath, legal advisor to Commissioner O'Rielly.

We discussed the importance of enabling outdoor and portable use in the 5.850-5.925 GHz ("5.9 GHz") to ensure a robust device ecosystem in the band. To ensure a robust mobile ecosystem in the band, the Commission should allow portable devices to operate as both client devices and access points outdoors. The ability to use portable devices as peer-to-peer access points outdoors, is an important incentive for device manufacturers to build 5.9 GHz capability into devices, which will impact the overall utility of the band, even for indoor use.

We also discussed arguments we have made on the record in the above-referenced docket to address concerns raised about outdoor and portable use.[1] Specifically, portable Wi-Fi devices are even less likely to cause harmful interference than existing 5.9 GHz uses. For example, the Commission's rules currently permit DSRC on-board units at power levels of 23 dBm per 10 MHz channel without coordination.[2] And the Commission has proposed to

[1] *See* Letter from Chris Szymanski, Broadcom, and Alan Norman, Facebook, Inc. to Marlene H. Dortch, Secretary, FCC, ET. Docket. 19-138 (filed September 25, 2020).
[2] *See* 47 C.F.R. § 95.3189 (incorporating by reference ASTM E2213-03, Standard Specification for Telecommunications and Information Exchange Between Roadside and Vehicle Systems - 5 GHz Band Dedicated Short-range Cpommunications (DSRC) Medium Access Control (MAC) and Physical

allow C-V2X on-board units at this same power level.[3] We believe that a general out-of-band emissions (OOBE) limit for the band of -27 dBm/MHz and a more relaxed OOBE limit for devices that are constrained to operate indoors that appropriately takes into account Building Entry Loss—both using a root-mean-square ("RMS") measurement, should allay interference concerns of Intelligent Transportation System stakeholders as well as federal incumbents and allow for the growth of unlicensed devices in the 5.9 GHz band.[4]

Respectfully submitted,

BY:

/s/ Alan Norman
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cc: Erin McGrath

Layer (PHY) Specifications published 2003). ASTM E2213-03 allows Private OBU operations in DSRC Channels 172, 174, 176, 178, and 184 at up to 28.8 dBm antenna input power and 33 dBm EIRP, private OBU operations in DSRC Channel 175 at up to 10 dBm antenna input power and 23 dBm EIRP, and private OBU operations in DSRC Channels 180, 181, and 182 at up to 20 dBm antenna input power and 23 dBm EIRP. *See also Amend Rules Regarding Dedicated Short Range Communications Services and rules for Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services*, Order, 19 FCC Rcd 2458, ¶ 35 (2003). OBUs operating at 23 dBm have been certified by the FCC. *See*, *e.g.*, FCC ID 2AEGPMK5OBU, https://cohdawireless.com/solutions/hardware/mk5-obu/; FCC ID 2AADT-SAV-S50, https://fccid.io/2AADT-SAV-S50.

[3] *See In re Use of the 5.850-5.925 GHz Band, Notice of Proposed Rulemaking*, 34 FCC Rcd 12603, 12642 (2019).

[4] *See* Comments of the Wi-Fi Alliance, ET Docket No. 19-138, at 6-9 (filed Mar. 9, 2020) ("Wi-Fi Alliance Comments").