



February 21, 2019

Ex Parte

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

Re: *Expanding Flexible Use of the 3.7 to 4.2 GHz Band, Order and Notice of Proposed Rulemaking, GN Docket No. 18-122; Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band, ET Docket No. 13-49; Petition for Waiver to Allow Deployment of Intelligent Transportation System Cellular Vehicle to Everything (C-V2X) Technology, GN Docket No. 18-357; Unlicensed Use of the 6 GHz Band, ET Docket No. 18-295; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 17-183*

Dear Ms. Dortch:

On February 19, 2019 Michael Calabrese, representing the Open Technology Institute at New America (OTI), met with Julie Knapp, chief of the Office of Engineering and Technology, along with OET staff members Ira Keltz and Michael Ha, concerning the above-listed proceedings.

With respect to the underutilized mid-band spectrum at 3700-4200 MHz, I explained why both the Public Interest Spectrum Coalition and the Broadband Connects America coalition, in their respective filings, strongly supported the Commission's proposal to authorize point-to-multipoint (P2MP) fixed wireless broadband service providers to coordinate shared use of the upper portion of the band that remains allocated to the Fixed Satellite Service.

We discussed the potential impact of consolidation of the C-band on the amount and location of unused spectrum available for coordinated sharing. I noted that PISC and the Broadband Access Coalition believe that if existing earth stations make substantially greater use of transponders and channels in the upper portion of the band, this will have a significant impact on adjacent channel sharing, but probably no impact on co-channel sharing made possible because P2MP deployments are sectorized and will rely on directional antennas, as well as shielding by terrain and clutter, to avoid interfering with earth stations.

With respect to the 6 GHz proceeding, I summarized comments filed by OTI on February 15 on behalf of coalition of Public Interest Organizations (PIOs). The PIOs generally support the Commission's proposal to authorize secondary unlicensed use across the entire 5925 – 7125 MHz range of frequencies.

However, I also emphasized that consumer and rural broadband advocates urge two significant improvements to ensure that Wi-Fi and other unlicensed technologies can keep pace with consumer demand and make wireless connectivity robust and affordable for every home, business, school and library. The PIOs urged the Commission to authorize low power, indoor-only unlicensed use across the U-NII-5 and U-NII-7 band segments without the cost and complexity of AFC coordination. The failure to set a power level at which Wi-Fi can operate indoors across the entire 6 GHz band, using off-the-shelf routers and low-cost devices, would sacrifice what is likely to be the greatest benefit of this rulemaking. Without affordable, do-it-yourself access to the 850 megahertz in U-NII-5 and U-NII-7, a majority of homes and small businesses in particular will likely be limited to *a single 160 megahertz channel* between 6.875 and 7.125 GHz (U-NII-8 segment).

I also noted that the PIOs urged the Commission to adopt rules for outdoor, AFC-controlled fixed wireless deployments that are harmonized with Part 15 rules allowing higher gain antennas in the 5 GHz bands currently in use for rural broadband, enabling higher EIRP operations that cover larger areas more affordably. Equipment already widely deployed in the 5 GHz band is easily adaptable to operate in the 6 GHz band.

With respect to the mostly vacant 5.9 GHz band, I inquired into the status of the joint FCC/DOT three-stage testing plan to verify that Wi-Fi can share at least the segmented portion of the 5.9 GHz band not in use for basic safety messaging. I summarized comments we filed recently, on behalf of the PIOs, opposing 5GAA's "Petition for Waiver." The PIOs stated that 5GAA's request for a waiver is in reality a request to open a new 5.9 GHz rulemaking that would substantially overlap and undermine the Commission's pending 5.9 GHz rulemaking. The Commission already has an ongoing, multi-stage rulemaking that is specifically aimed at reconsidering the allocation and potential uses of the entire 75 megahertz ITS band. 5GAA is using the procedurally inapt contrivance of a "waiver" to circumvent a fresh look at the highest and best use of the entire 5.9 GHz band through a broader and more appropriate Further Notice of Proposed Rulemaking.

Respectfully submitted,

/s/ *Michael Calabrese*
Director, Wireless Future Project
Open Technology Institute/New America
740 15th Street, NW - 9th Floor
Washington, DC 20005

cc: Julie Knapp
Ira Keltz
Michael Ha