

VIA ECFS

October 25, 2019

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**EX PARTE FILING OF ENCINA COMMUNICATIONS CORPORATION  
RE NOTICE OF PROPOSED RULE MAKING  
ET DOCKET 18-295 UNLICENSED USE OF THE 6 GHZ BAND AND  
EXPANDING FLEXIBLE USE IN MID-BAND SPECTRUM  
GN DOCKET NUMBER 17-183**

Dear Ms. Dortch:

On October 25, 2019, I had a telephone conversation with Aaron Goldberger, Wireless and International Advisor to Chairman Pai.

We discussed alleviating roadblocks on the way to a Report and Order re flexible use of unlicensed devices in the U-NII-5 and U-NII-7 bands. Unlicensed devices are available today and industry urgently needs an FCC Report and Order to upgrade these unlicensed devices to safely operate in licensed 6 GHz bands.

In this proceeding it appears that the three major roadblocks on the way to a Report and Order are:

1. **Public Safety Concerns** -- raised by fixed service operators.
2. **Cost** -- Concerns of equipment and component manufacturers that AFC will make the cost of Access Points prohibitively expensive.
3. **The Digital Divide** -- WISPs express concerns that low EIRP and height restrictions will hinder their ability to help close the Digital Divide, which is the Commission's #1 Strategic Goal.

We also discussed that there are three Types of Proposals submitted under this docket:

1. *Safe Area Coordination (SAC) Before AFC of Deployed Unlicensed Devices*
2. *AFC After Deployment of Unlicensed Devices*
3. *Random Deployment of Uncoordinated Unlicensed Devices*

*Proposal 1: SAC Before AFC* is the only one of the 3 proposals that alleviates roadblocks on the way to a Report and Order because:

- It achieves the degree of safety which is expected by fixed service operators because it uses the procedures of TSB10, and Part 101.103 of the Rules which includes peer review.
- It incorporates a very simple, very low-cost AFC using existing hardware and software and would not materially affect the cost of unlicensed devices.
- It allows unlicensed devices to be safely deployed indoors and outdoors with an EIRP of 36 dBm and with no low-height restrictions.

*Proposal 2: AFC After Deployment of Unlicensed Devices* does not alleviate roadblocks on the way to a Report and Order because:

- It does not achieve the degree of safety which is expected by fixed service operators because it does not use the procedures of TSB10 and Part 101.103 of the Rules, and is not subject to a peer review.
- It will have to incorporate a very complex, unproven and untested AFC.
- The low outdoor EIRP and low-height restrictions will hinder the closing of the Digital Divide.

*Proposal 3: Random Deployment of Uncoordinated Unlicensed Devices* is completely unacceptable because there will be millions of locations where randomly deployed unlicensed devices will cause catastrophic as well as harmful interference. Even with an EIRP of 14 dBm as proposed by Facebook<sup>1</sup>, it can easily be demonstrated through the use of standard industry-accepted path-loss equations that harmful and even catastrophic interference will be caused to existing and future FS stations -- disrupting commerce, impacting critical communications infrastructure, and endangering public safety.

Having discussed alleviating roadblocks on the way to a Report and Order re flexible use of unlicensed devices in the U-NII-5 and U-NII-7 bands, I then stated that a plethora of devices are available today from Amazon and other outlets in the unlicensed sub-6 GHz bands, and that industry urgently needs an FCC Report and Order to upgrade these unlicensed devices to operate in licensed 6 GHz bands.

Respectfully submitted.

Michael Mulcay, Chairman & CTO

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<sup>1</sup> Ex parte filing of Facebook, October 18, 2019