

March 4, 2021

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of *Ex Parte* Communication, ET Docket No. 18-295, GN Docket No. 17-183

Dear Ms. Dortch:

On March 1, 2021, Broadcom, Cisco, Facebook, Intel, and Qualcomm submitted a letter in the above-referenced proceeding setting forth a new proposal for very-low-power (VLP) unlicensed device operation in the 6 GHz band.¹ Under that proposal, VLP devices would comply with an out-of-band emissions level of -37 dBm/MHz at 5925 MHz and would prioritize operation in the channels above 6105 MHz before beginning operation below 6105 MHz.

The National Association of Broadcasters continues to be concerned that adoption of the Commission's proposal to allow VLP operations throughout the 6 GHz band will result in harmful interference to licensed operations, including broadcasters' electronic newsgathering (ENG) operations. We note in particular that the proposal these parties have set forth could have the perverse effect of concentrating unlicensed operations in the portions of the band used by broadcasters for ENG operations. Broadcasters operate in the U-NII-6 and U-NII-8 portions of the 6 GHz band, both of which are above 6105 MHz. Given that local newsgathering has never been more important, the Commission should be extremely cautious about increasing the risk for harmful interference to broadcast operations.

As an initial matter, the proposal these parties have set forth appears to reflect an implicit concession that VLP operations may cause interference to licensed operations when VLP operations are in close proximity to licensed users. We agree. As NAB has

¹ Letter from Chris Szymanski, Mary Brown, Alan Norman, Carlos Cordeiro, and John Kuzin to Marlene H. Dortch, ET Docket No. 18-295, GN Docket No. 17-183 (March 1, 2021).

previously explained, real-world broadcaster ENG operations such as camera-back video links could easily receive harmful interference from nearby VLP devices.²

Perplexingly, however, the proposed solution to this problem is inconsistent with the Commission's logic in its order approving unlicensed operations in the 6 GHz band. In that order, the Commission concluded that adopting NAB's proposal to forbid unlicensed operations in just 80 out of the 1200 MHz of spectrum in the band would increase the likelihood of harmful interference because unlicensed operations would be concentrated in fewer channels.³ NAB obviously disagrees with this logic, but at a minimum we believe the Commission cannot reasonably conclude that a small reduction in available spectrum would meaningfully increase the potential for harmful interference and subsequently agree that VLP operations should be *concentrated* in the portion of the band where broadcasters operate.

NAB continues to believe that it is premature to expand unlicensed operations at 6 GHz until there is experience with practical interference situations. That data will be available in the near term. Nevertheless, if the Commission decides to authorize VLP operations across the entire 6 GHz band, we urge the Commission to limit power levels to better ensure that nearby licensed services are protected from harmful interference.⁴

In its Order authorizing low-power indoor (LPI) unlicensed use of the 6 GHz band, the Commission adopted a power level of 5 dBm/MHz, assuming a median building loss of 20.5 dB.⁵ While NAB continues to believe that this power level is excessive and will result in harmful interference, it would plainly be arbitrary and capricious for the Commission to authorize VLP operations at an even *higher* equivalent power level, representing a higher potential for interference, than the levels it just adopted a few months ago.

In particular, the Commission should authorize a power level of no more than -15.5 dBm/MHz for VLP operations, representing the 5 dBm/MHz authorized for LPI operations minus the 20.5 dB median building entry loss previously assumed. At a minimum, the Commission should constrain VLP operations to this power level in the U-NII-6 and U-NII-8 bands to reduce the potential for harmful interference for mobile ENG operations.

² Letter from Patrick McFadden to Marlene H. Dortch, ET Docket No. 18-295, GN Docket No. 17-183 (Oct. 30, 2020).

³ *Unlicensed Use of the 6 GHz Band*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852, ¶ 158 (2020).

⁴ *Id.*

⁵ *Unlicensed Use of the 6 GHz Band*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852, ¶¶ 103, 117, n. 297 (2020).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a long horizontal flourish extending to the right.

Patrick McFadden
Deputy General Counsel,
National Association of Broadcasters

cc: Ron Repasi
Ira Keltz
Monisha Ghosh
Jamison Prime
Michael Ha
Nicholas Oros
Barbara Pavón