



10900-B Stonelake Boulevard, Suite 126 • Austin, Texas 78759 U.S.A.  
Phone: +1-512-498-9434 (WIFI) • Fax: +1-512-498-9435  
[www.wi-fi.org](http://www.wi-fi.org)

**VIA ELECTRONIC FILING**

April 16, 2018

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 201154

Re: **Ex Parte Notification**

**GN Docket No. 17-183**, *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*

Dear Ms. Dortch:

On April 12, 2018, Russell Fox of Mintz Levin and I met with Rachael Bender, Advisor to Chairman Pai; Erin McGrath, Legal Advisor to Commissioner O’Rielly; Will Adams, Legal Advisor to Commissioner Carr; and Umair Javed, Legal Advisor to Commissioner Rosenworcel to discuss the above-referenced proceeding.

We urged the Commission to release quickly a Notice of Proposed Rulemaking (“NPRM”) that would permit use of the 5.925-7.125 GHz band (the “6 GHz band”) for unlicensed operations. Doing so would be consistent with clearly-expressed recent Congressional directive.<sup>1/</sup> Limited availability of unlicensed mid-band spectrum will undermine the potential of Wi-Fi technology to deliver ubiquitous broadband connectivity. The 6 GHz band is ideally positioned to respond to the well-established need for additional capacity for Wi-Fi.<sup>2/</sup> The next generation of Wi-Fi, based on the IEEE 802.11ax standard, is optimized to support high data throughput applications in wider channels (*i.e.*, 80 megahertz and 160 megahertz), and therefore requires access to the contiguous spectrum segments that the 6 GHz band can accommodate. In addition, 6 GHz band spectrum is ideally suited for rapid deployment of Wi-Fi technologies because it is adjacent to spectrum in the 5 GHz band that is designated for unlicensed use.

---

<sup>1/</sup> See, *e.g.*, *Consolidated Appropriations Act 2018*, Pub. L. No. 115-141, div. P, tit. VI, § 603 (requiring the Commission to identify a minimum of 100 megahertz of spectrum below 8 GHz for unlicensed operation by 2022); § 611 (requiring the Commission to evaluate unlicensed operations in guard bands); § 617 (making the promotion of unlicensed spectrum the official policy of the United States and charging the Commission with making unlicensed spectrum a priority); and § 618 (requiring the Commission to work with NTIA to draft a “National Plan for Unlicensed Spectrum” by September 23, 2020 which will lead to increased unlicensed spectrum access).

<sup>2/</sup> Wi-Fi Alliance, *Spectrum Needs Study*, Final Report, February 2017, (available at [http://www.wi-fi.org/download.php?file=/sites/default/files/private/Wi-Fi%20Spectrum%20Needs%20Study\\_0.pdf](http://www.wi-fi.org/download.php?file=/sites/default/files/private/Wi-Fi%20Spectrum%20Needs%20Study_0.pdf)).

Prompt Commission action is critical for several reasons. *First*, the regulatory uncertainty caused by delay will impede the development of 6 GHz band enabled equipment and technology, including next generation Wi-Fi based on the IEEE 802.11ax standard. Wi-Fi Alliance expects to begin IEEE 802.11ax product certification (as “Wi-Fi CERTIFIED”) in 2019. In the absence of established regulatory framework, the equipment development process in the 6 GHz will be delayed, potentially depriving U.S. consumers and businesses of the broadband connectivity benefits.

*Second*, if the Commission does not issue an NPRM proposing rules for unlicensed use of the 6 GHz band soon, it will cede U.S. leadership on this critical issue to other administrations. European regulators, in particular, have been directed by the European Commission to study implementation of the radio local area networks (*e.g.*, Wi-Fi) in the band 5925-6425 MHz.<sup>3/</sup> The Commission should ensure that the U.S. continues to lead in wireless spectrum matters by proposing use of the 6 GHz band for unlicensed operations.

Wi-Fi Alliance is mindful that spectrum allocated for unlicensed operations in the 6 GHz band will be required to protect existing and future licensed users, including critical public safety operations. We therefore discussed potential technical, operational and regulatory solutions that would mitigate possible interference to those users, including those currently in place governing the U-NII-1 band (5150-5250 MHz band). We pointed out that Wi-Fi has a proven history of protecting incumbent operations and expressed that existing and/or additional techniques can be extended to the 6 GHz band to achieve that result. Wi-Fi Alliance looks forward to working with the Commission and relevant stakeholders to determine the regulatory solutions to allow unlicensed access on a non-interference basis to the 6 GHz band. The most effective way to make progress on this important issue is to advance this proceeding to the next, NPRM stage.

\*

\*

\*

\*

Pursuant to Section 1.1206(b)(2) of the Commission’s rules, an electronic copy of this letter is being filed in the above-referenced docket and a copy is being provided to each member of the Commission’s staff with whom we met. Please direct any questions regarding this filing to me.

Respectfully submitted,

/s/ Alex Roytblat

**WI-FI ALLIANCE**

Alex Roytblat

Senior Director of Regulatory Affairs

[aroytblat@wi-fi.org](mailto:aroytblat@wi-fi.org)

---

<sup>3/</sup> See [http://ec.europa.eu/newsroom/dae/document.cfm?doc\\_id=50343](http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=50343)

cc: (each electronically)  
Rachael Bender  
Erin McGrath  
Will Adams  
Umair Javed