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**VIA ELECTRONIC FILING**

July 12, 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*;

**ET Docket No. 13-49**, *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*;

**WP Docket No. 07-100**, *Amendment of Part 90 of the Commission's Rule (Governing the 4940-4990 MHz Band)*; and

**RM-11808**, *Globalstar, Inc. Petition for Notice of Inquiry Regarding the Operation of Outdoor U-NII-1 Devices in the 5 GHz Band*.

Dear Ms. Dortch:

On July 10, 2018, Edgar Figueroa, CEO of Wi-Fi Alliance, Russell Fox of Mintz Levin, and I met separately with Commissioner O'Rielly and his legal advisor Erin McGrath; Commissioner Rosenworcel and her legal advisor Umair Javed; Michael Carowitz, Special Counsel to Chairman Pai; and Will Adams, legal advisor to Commissioner Carr. With Jonathan Markman of Mintz Levin, we also met with the following members of the Commission's Office of Engineering and Technology: Julius Knapp; Kevin Holmes; Jamison Prime; Walter Johnston; Karen E. Rackley; and Jordan McWilliams. In each meeting, we discussed some or all of the above-referenced proceedings.

**6 GHz**

We noted that the dramatic increase in use of Wi-Fi without a meaningful increase in the mid-band spectrum available for Wi-Fi access has resulted in spectrum congestion that Wi-Fi Alliance only expects to worsen over time. That is especially true for spectrum with sufficient contiguity needed for implementation of wider channels in support of data intensive applications (e.g., video). That is why we urged the Commission to adopt a Notice of Proposed Rulemaking ("NPRM") that will focus on the designation of the 5925-7125 MHz band for unlicensed

operations. We applauded the recent announcement by Chairman Pai that such an NPRM would be proposed this fall.<sup>1/</sup>

### ***Globalstar Petition for Notice of Inquiry***

In contrast, we urged the Commission to promptly dismiss the petition submitted by Globalstar to initiate a Notice of Inquiry (“NOI”) to re-examine unlicensed use of the U-NII-1 (5125-5250 MHz) band. The Globalstar petition is without merit – it establishes no relationship between the modification of the Commission’s rules less than four years ago and the alleged changes in the radiofrequency environment. The new rules governing the U-NII-1 band were a significant step forward in helping the Wi-Fi industry meet rapidly expanding demands for connectivity, particularly for Wi-Fi use outdoors. Initiation of an NOI will stymie investment and innovation in this band. Moreover, the premise of the Globalstar request is contradictory to the United States’ positions presented to the International Telecommunications Union that confirm that there are no harmful effects from enhanced use of the U-NII-1 band to mobile satellite system operations.<sup>2/</sup>

### ***5.9 GHz***

The U-NII-4 band (5.850-5.925 GHz), like other segments of the 5 GHz band, is important in addressing Wi-Fi’s mid-band spectrum needs. We urged the Commission to promptly resolve the future of the U-NII-4 band. The Wi-Fi industry is eager to maximize the use of this valuable spectrum resource following the resolution of the current regulatory uncertainty.

### ***4.9 GHz***

We commended the Commission’s efforts to re-evaluate the use of the 4900-4950 MHz band. Allowing unlicensed access to this band may, to some extent, alleviate congestion in other bands (e.g., 2.4 GHz and 5 GHz) where Wi-Fi is used. The limited bandwidth and in-band and adjacent band incumbent operations at 4.9 GHz appear to preclude the suitability of this band as a candidate for Wi-Fi operations.

\* \* \* \*

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.

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<sup>1/</sup> *Scoring a Victory for 5G*, FCC Blog Post, Jun. 20, 2018, available at <https://www.fcc.gov/news-events/blog/2018/06/20/scoring-victory-5g>.

<sup>2/</sup> Radiocommunication Study Groups, Preliminary Draft CPM Text for WRC-19 Agenda Item 1.16, (May 8, 2018); Sharing and Compatibility Study Between WAS/RLAN Applications and NGSO Systems in the Mobile Satellite Service with FSS Feeder Links Operating in the 5091-5250 MHz Band, Document 5A/727-E (May 9, 2018).

Respectfully submitted,

/s/ Alex Roytblat

**WI-FI ALLIANCE**

Alex Roytblat

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cc: (each electronically)  
Commissioner Michael O’Rielly  
Commissioner Jessica Rosenworcel  
Erin McGrath  
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