

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Petition for Rulemaking and Request for )  
Emergency Stay of Operation of Dedicated ) RM-11771  
Short-Range Communications Service in the )  
5.850-5.925 GHz Band (“5.9 GHz Band”) )  
 )

**OPPOSITION**

**I. INTRODUCTION AND SUMMARY**

The Telecommunications Industry Association (“TIA”)<sup>1</sup> respectfully submits its Opposition to the Petition for Rulemaking and Request for Emergency Stay of Operation of Dedicated Short-Range Communications (“DSRC”) in the 5.9 GHz Band filed with the Federal Communications Commission (“Commission”) by Public Knowledge and Open Technology Institute at New America (“Petitioners”).<sup>2</sup> TIA represents the global community of information and communication technology (“ICT”) manufacturers, vendors, and suppliers. Many of our member companies are developing innovative ICT equipment and services that are part of the burgeoning connected automotive technology ecosystem.

TIA’s membership includes a diversity of interests regarding the potential for and use of the 5.9 GHz band and DSRC technology. We recognize the need to consider the security and

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<sup>1</sup> TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. TIA represents hundreds of ICT manufacturer, vendor, and supplier companies and organizations in standards, government affairs, and market intelligence. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards.

<sup>2</sup> Petition for Rulemaking and Request for Emergency Stay of Operation of Dedicated Short-Range Communications Service in the 5.850-5.9925 GHz Band, filed June 28, 2016 by Public Knowledge and Open Technology Institute at New America (“Consumer Groups Petition”), RM-11771 (“Consumer Groups Petition”).

privacy implications related to vehicles becoming more connected. TIA has concerns, however, with the impact the Consumer Groups Petition will have on the current 5.9 GHz process and the broader policy framework for Internet of Things services and devices. Below, we encourage the Commission to maintain the current process and timeline regarding deployment of DSRC operations and determination of the most effective spectrum sharing solution in the 5.9 GHz band. We also express concerns with Petitioners' arguments that posit the Commission is the appropriate agency to address issues surrounding vehicle cybersecurity and privacy. We recommend instead a coordinated federal government approach among agencies that have overlapping jurisdictions and expertise as it relates to privacy and cybersecurity policies for the broader Internet of Things ("IoT") and the sub-issue of connected vehicles.

**II. TIA ENCOURAGES THE COMMISSION TO MAINTAIN THE CURRENT PROCESS AIMED AT MAXIMIZING THE USE OF THE 5.9GHz SPECTRUM TO ALLOW WIRELESS AND VEHICLE SAFETY TECHNOLOGY USE.**

TIA and its members believe the Commission should maintain current plans aimed at finding technical solutions that will enable DSRC technology for use in vehicle-to-vehicle ("V2V") communications to successfully coexist with unlicensed wireless technology in the 5.9 GHz band. TIA has expressed to the Commission and the National Highway Traffic Safety Administration ("NHTSA") our optimism that unlicensed operations can operate alongside DSRC if the stakeholders work collaboratively to address any harmful interference issues to priority, incumbent DSRC operations.<sup>3</sup>

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<sup>3</sup> See e.g., TIA Comments, filed May 28, 2013 in ET Docket No. 13-49, available at [www.tiaonline.org/sites/default/files/pages/TIA\\_5\\_GHz\\_Comments\\_ET\\_Docket\\_No.13-49\\_May\\_28\\_2013.pdf](http://www.tiaonline.org/sites/default/files/pages/TIA_5_GHz_Comments_ET_Docket_No.13-49_May_28_2013.pdf); TIA Comments to NHTSA ANPRM on V2V Communications Standard, Oct. 20, 2014, available at [http://www.tiaonline.org/sites/default/files/pages/TIA\\_V2V\\_ANPRM\\_Comment\\_FINAL.pdf](http://www.tiaonline.org/sites/default/files/pages/TIA_V2V_ANPRM_Comment_FINAL.pdf).

Over the past year, private sector and government stakeholders have made significant strides towards these goals by working to develop sharing prototype devices and establishing testing plans. We are concerned that the Consumer Groups Petition will unnecessarily delay these efforts and the momentum to resolve these issues by the end of the year. The Commission along with its government counterparts at the Department of Transportation, and the Department of Commerce (“Commerce”) has taken significant steps to ensure that the government and commercial interest in using spectrum resources for a diversity of purposes including V2V communications and unlicensed wireless are permitted. The agencies were tasked with resolving this issue in a timely manner by the Senate Commerce Committee leadership in a September 2015 letter. The outlined a plan for the agencies to move forward in a collaborative manner that appreciates the intricate nature of this issue and the sometimes competing yet important goals of each agency.<sup>4</sup>

Furthermore, manufacturers have invested significant time and resources in order to produce DSRC spectrum sharing prototypes that will allow the Commission and NHTSA to test different sharing proposals. ICT manufacturers which include TIA member companies have proposed possible spectrum sharing solutions and are actively working on prototypes that can be used to test these options.

There are important goals that both the Commission and NHTSA are working towards and imposing a stay of planned DSRC operations would inhibit the ability to achieve those objectives in an expeditious manner. Similarly, the initiation of a rulemaking proceeding on DSRC cybersecurity and privacy would result in uncertainty and would likely limit the interest

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<sup>4</sup> See Letter from U.S. Senate Commerce Committee on V2V Consensus Path, Sept. 9, 2015, available at [https://www.commerce.senate.gov/public/\\_cache/files/5c8ee4e2-a985-4aa1-a855-cc7f1db9e14f/F118219075D5474662FAAA6756ACF6F4.signed-senate-5.9-ghz-letter-to-dot-doc-fcc.pdf](https://www.commerce.senate.gov/public/_cache/files/5c8ee4e2-a985-4aa1-a855-cc7f1db9e14f/F118219075D5474662FAAA6756ACF6F4.signed-senate-5.9-ghz-letter-to-dot-doc-fcc.pdf).

of private sector companies in further investing in development of DSRC V2V technologies as well as sharing prototypes and solutions for the 5.9 GHz Band.

Despite Petitioners' contention that the items they raise are independent of the Commission's examination of shared use in the 5.9 GHz band,<sup>5</sup> the issues are fundamentally linked. Thus, TIA encourages the Commission to maintain the current collaborative process aimed at efficient solutions that balance the interests of all stakeholders.

### **III. TIA RECOMMENDS A HOLISTIC, COORDINATED FEDERAL POLICY APPROACH TO CYBERSECURITY AND PRIVACY MATTERS INVOLVING IOT DEVICES INCLUDING VEHICLES.**

Vehicles that incorporate some form of communications connectivity including planned V2V operations using DSRC technology will be just one subset of the larger IoT ecosystem. IoT at its core is the concept of an increasingly connected future in which everyday items (non-traditional computing devices), from household appliances to cars to medical devices are connected to the Internet to share their data. IoT operations are resulting in new and evolving cybersecurity and privacy concerns emerging across a variety of market sectors, not just vehicle transportation.

Private sector companies in these spaces are not blind to the sensitivities surrounding these matters including some of those raised by Petitioners. TIA and its members understand that as vehicle technology and equipment advance, it is both necessary and appropriate for government entities like to Commission assess policies and guidance to ensure they consider, and are responsive to, security and privacy implications presented by these systems. However, as the growth of connected systems explodes, there is a need for the Federal government to address these issues from a coordinated, streamlined approach. The matters raised by Petitioners are the

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<sup>5</sup> See *Consumer Groups Petition* at 1.

result of technology being developed in a way that blurs the line between previously vertically segmented markets like telecommunications and automotive transportation. Therefore, TIA is concerned that Petitioners' suggestion that one agency should or could effectively address these issues from a limited sector-specific viewpoint and scope of authority.

Petitioners seem to assert that due to NHTSA's lack of expertise with wireless technology, the agency has no role to play in considering cybersecurity or privacy matters involving vehicles.<sup>6</sup> They say instead the Commission is most appropriately positioned to address issues of cybersecurity and privacy as it relates to vehicle connectivity using DSRC.<sup>7</sup> TIA acknowledges that the expertise with these matters does reside within the ICT industry and traditional telecommunications regulators. Nonetheless, we do not believe the Commission is best suited to design these policies. At a minimum, policy approaches on these issues would need to be developed in consultation with entities that have broader cybersecurity and vehicle experience. Further, the Petitioners do a disservice by largely ignoring and discounting the ongoing efforts by automotive regulators, manufacturers, and suppliers to effectively address these types of issues.

There are number of other government agencies that have a broader depth of experience in cybersecurity and privacy matters than the Commission. Moreover, the future connectivity of vehicles using DSRC technology will be part of a broader IoT ecosystem that will include a variety of participants beyond the traditional framework for telecommunications, necessitating policymakers' cognizance of the interests and implications of a much broader set of stakeholders in different sectors and industries. TIA believes connected vehicle privacy and cybersecurity matters require a holistic, coordinated policy framework that will include a variety of

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<sup>6</sup> See Consumer Groups Petition at 5-9.

<sup>7</sup> See *id.*

government agencies including the Commission, NHTSA, the Federal Trade Commission, and Commerce, in coordination with the industry stakeholders to identify and mitigate threats.

Many public and private stakeholders have already taken significant steps to increase the security posture and protections of consumer privacy in vehicles. Recently, vehicle manufacturers developed privacy principles<sup>8</sup> aimed at... Auto manufacturers have also established an information sharing and analysis center (“ISAC”) focused on connected automobile risks.<sup>9</sup> Last month, the ISAC announced its first cybersecurity best practices that address organization and technical aspects of vehicle cybersecurity that companies can use to guide their activities.<sup>10</sup> NHTSA has also begun a range of efforts to increase its understanding of the cybersecurity threat landscape and how it relates to vehicle connectivity.

Additionally, the FTC, which has broad privacy jurisdiction, has examined consumer protection matters related to IoT. Furthermore, Commerce initiated an extensive effort aimed at facilitating a coordinated government understanding of the IoT landscape including issues like cybersecurity and privacy. The Commerce has also managed the process for the development of the critical infrastructure cybersecurity framework, which serves as an ideal model for assessing and managing cybersecurity risks.

Furthermore, the Commission has deficits in its expertise, specifically as it relates to in-depth knowledge of vehicle operation and design. Thus, it would be inappropriate for the agency to independently develop cybersecurity rules that are sector-specific without a full understanding

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<sup>8</sup> See <http://www.autoalliance.org/auto-issues/automotive-privacy/principles>

<sup>9</sup> See <https://www.automotiveisac.com/>. The ISAC was developed based the successful model of collaborative cybersecurity engagement among private companies in other sectors like telecommunications that must respond to and be ready for a host evolving set of risks and threats.

<sup>10</sup> See Auto-ISAC, Automotive Cybersecurity Best Practices, <https://www.automotiveisac.com/best-practices/>.

of the broader automotive and IoT landscape. Additionally, in its Privacy NPRM<sup>11</sup>, the Commission grounded its authority in Section 222 and determined that it extends only to telecommunications service operations, not devices or services at the edge. Petitioners would seek to have the Commission adopt rules that are inconsistent with that approach and inappropriately attempt to bring devices and services operating at the edge of the network within the Commission's purview.

TIA believes a more suitable role for the Commission is to work with its government counterparts and industry to help identify risks and respond to threats through the use of public-private partnerships as well as identify policy solutions that ensure consumers continue to understand and have choice about the use of their information.

#### **IV. CONCLUSION**

For all the reasons discussed above, TIA encourages the Commission to reject the Petition and Request for Emergency Stay.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**  
James Reid  
Senior Vice President, Government Affairs

Avonne Bell  
Sr. Manager, Government Affairs

Telecommunications Industry Association  
1320 N. Courthouse Road  
Suite 200  
Arlington, VA 22201  
703-907-7700

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<sup>11</sup> See *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Notice of Proposed Rulemaking, WC Docket No. 16-106, Apr. 1, 2016, ¶4, 13.