



November 15, 2019

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re:** ***Ex Parte Presentation**, Unlicensed Use of the 6 GHz Band*, ET Docket No. 18-295;  
*Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, GN Docket No.  
17-183

Dear Ms. Dortch,

On November 13, 2019, CTIA and member company representatives (“participants”) met with Erin McGrath of the Office of Commissioner Michael O’Rielly to discuss two issues related to the above-captioned proceedings: the benefits of making the upper portion of the 6 GHz band available for licensed, flexible use services, and support for unlicensed operations in the lower portion of the band provided all such unlicensed operations are subject to robust interference protection via a positive control mechanism. A list of meeting attendees is attached to this letter.

During the meeting, the participants noted that the Commission has made significant progress in making low- and high-band spectrum available for exclusive use, flexible rights licensing, but access to licensed mid-band spectrum for 5G remains extremely limited, even as other nations are moving quickly to make mid-band spectrum available. Participants therefore urged the Commission to use the opportunity at 6 GHz to enable both licensed and unlicensed uses to flourish by providing a better balance between licensed and unlicensed spectrum. Specifically, participants asked the Commission to promptly issue a Further Notice of Proposed Rulemaking to repurpose the upper portion of the 6 GHz band for exclusive use, flexible rights licensing, consistent with CTIA’s advocacy in the proceeding.<sup>1</sup> Doing so will provide additional capacity for wireless carriers to satisfy increasing consumer demand, and will support the economic and societal benefits of a robust 5G ecosystem.

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<sup>1</sup> See Comments of CTIA, GN Docket No. 18-295, at 7-13 (filed Feb. 15, 2019).



Under this approach, incumbent Fixed Service (“FS”) links in the upper portion of the 6 GHz band would be made whole through application of the Commission’s longstanding *Emerging Technologies* framework. The Commission should also work with NTIA to add a non-federal allocation to the 7.125-8.4 GHz band so these frequencies can be available as one option for relocating FS links from the repurposed portion of the 6 GHz band. The 7 GHz band is underutilized by federal users today, and non-federal licensees in the 6 GHz band and federal users in the 7 GHz band have FS links with similar technical characteristics that could be readily coordinated.

Importantly, a Further Notice on licensing in the upper portion of the 6 GHz band need not delay Commission action on unlicensed operations in the lower portion—subject to rigorous interference protection. To that end, participants expressed support for unlicensed in a portion of the 6 GHz band, so long as a positive control interference protection framework is adopted for all unlicensed devices, including low-power indoor and very low power indoor/outdoor devices. Positive control via Automatic Frequency Coordination (“AFC”) is necessary both to prevent interference and to resolve interference when it does occur, regardless of unlicensed device location or power level. As the attached presentation shows, recent RLAN technical filings contain unreasonable assumptions, unsuitable methodologies, and unsupported conclusions. In short, RLAN stakeholders have not shown that low power indoor devices or very low power indoor/outdoor devices can operate without causing harmful interference to incumbent 6 GHz licensed operations absent AFC control. Concerns about the costs associated with positive control and the AFC are misplaced given the obligation of unlicensed devices to protect incumbent links from harmful interference.

Pursuant to Section 1.1206 of the Commission’s rules, this notice is being filed in ECFS and provided to the Commission meeting attendees. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Kara Graves

Kara Graves

Director, Regulatory Affairs

Attachments

cc: Erin McGrath



## **November 13, 2019 Meeting Attendees**

### **FCC**

Erin McGrath, Office of Commissioner Michael O’Rielly

### **CTIA**

Scott Bergmann

Kara Graves

Adam Krinsky, Wilkinson Barker Knauer, LLP

Mark Settle, Wilkinson Barker Knauer, LLP

### **AT&T**

Stacey Black

### **T-Mobile**

Steve Sharkey

### **Verizon**

Tamara Preiss



# 6 GHz Proceeding





01

The Commission Should Enable  
Both Licensed and Unlicensed  
Opportunities in the 6 GHz Band

# Mid-Band Economic Opportunity

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**Analysis Group forecasts** that making 400 megahertz of mid-band spectrum available will generate:



**\$154B**

New Wireless Investment



**\$274B**

Contribution to GDP



**1.3M**

New Jobs

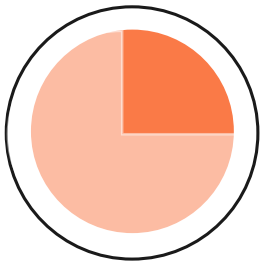
# 6 GHz Licensed Opportunity

**The Commission should issue an FNPRM to repurpose the upper portion of the 6 GHz band for exclusive use, flexible rights licensing.**

- **Opening an FNPRM** would address the licensed mid-band spectrum gap **without undermining unlicensed access or delaying action** on the lower portion of the band.
- Action to repurpose the upper 6 GHz band must include assurances that **incumbent licensees in the repurposed portion of the band are made whole.**

# A Non-Federal Allocation in the 7 GHz Band Should be Adopted

**The Commission should work with NTIA** to add a non-federal allocation to the 7.125-8.4 GHz band to accommodate fixed service operations relocated out of the 6 GHz band.



7 GHz is  
underutilized



6 GHz & 7 GHz  
bands have  
similar technical  
characteristics



Band is  
internationally  
harmonized for  
fixed service



02

All 6 GHz Band Unlicensed  
Operations Must Be Under AFC  
Positive Control

# The FCC Should Require Positive Control for All Unlicensed Operations in the 6 GHz Band



- **CTIA supports unlicensed operations** in a portion of the 6 GHz band, but only with a **rigorous interference protection** framework that provides for **positive control**
- Positive control via the AFC – **regardless of unlicensed device location or power level** – is critical to prevent interference and resolve interference that does occur
- Unlicensed proponents have not shown that low power indoor devices or very low power indoor/outdoor devices can operate without interfering with incumbent **primary 6 GHz licensed operations** absent positive AFC control

# The Unlicensed Proponent Filings Do Not Justify AFC-Free Unlicensed Operations

## Unreasonable Assumptions, Unsuitable Methodology, Unsupported Conclusions

The unlicensed stakeholders attempt to justify **Very Low Power (VLP)** and **Low Power Indoor (LPI)** unlicensed operations free of AFC control, but the **studies contain multiple technical deficiencies**

Specifically, unlicensed stakeholders have submitted 7 technical filings since the reply comment window closed (in addition to ECC Report 302 in the record):

- RKF Further Analysis (June 24, 2019)
- Very Low Power Portable Study (July 2, 2019)
- Los Angeles Dept. of Water and Power (“LADWP”) Case Study (July 5, 2019)
- High-Rise Building Study (July 31, 2019)
- Duty Cycle and Simulation Study (August 22, 2019)
- FS/Wi-Fi Coexistence Testing Study (August 23, 2019)
- Fade Margin Study (October 7, 2019)

03

Unlicensed Devices Must Protect  
All Primary Incumbent Operations

# Misguided Approaches in the Unlicensed Studies Fall into Four General Categories



1. Studies that rely on **typical RLAN or FS operations** to show non-interference leave **1000s of incumbent links** exposed and vulnerable to interference
2. Studies that use **median** FS parameters do not address **50%** of incumbent links
3. Studies cannot rely on unlicensed entrants **seizing the fade margin** that incumbents have built into their FS links
4. Studies cannot **pick and choose protection criteria** and then rely on hand-waving claims that interference will not occur

# Unlicensed Proponents Cannot Rely on “Typical” Characteristics to Assert Non-Interference

## RKF Further Analysis Study

The study refers more than **8 times** to **typical** characteristics of RLANs or FS links

**Supposed low probability** events are significant when considering the number of links in the 6 GHz band

- For example, the study shows that only 0.209% of cases studied would result in an I/N greater than -6 dB, but that equates to nearly **2,000 scenarios** where the interference criteria are exceeded

The study ignores real world scenarios, where RLANs will in fact:

- Operate in the mainbeam of the FS antenna
- Transmit in the sidelobes of the FS antenna while located very close to the FS receiver
- Transmit from unauthorized outdoor locations
- Operate indoors with very low building entry loss
- Operate with low path loss values that are statistically in the tail of the path loss PDF

# Unlicensed Proponents Cannot Use “Median” Fact Patterns to Show Non-Interference

## High-Rise Building Study

For example, the study claims that the interference risk of low power devices in high-rise buildings is low in part because the **median distance** from an FS receiver to a building protrusion is 11 km

Any non-interference showing that asserts sufficient protection at the **median** fails to show that **50%** of links will be sufficiently protected

The study also states that for **2.7%** of paths, the -6 dB I/N is exceeded after considering **typical** Low Power Indoor losses – this percentage will rise when considering **actual losses** as opposed to typical losses

# Unlicensed Proponents Cannot Exploit FS Fade Margin as a Mitigation Tool

## FS/Wi-Fi Coexistence Testing Study, Fade Margin Study

The study claims that FS receivers will not experience harmful interference even when I/N levels are significantly above -6 dB because most FS links have 40-50 dB of additional margin that unlicensed operations can rely on

FS operators design systems and invest in networks with enough **additional margin to account for instances of fading** – not the possibility of unlicensed operations

If an RLAN device consumes part of the fade margin, either the **link range** or the **link availability** will necessarily **decrease**

FS operators pay for any fade margin that exists for any FS link, and unlicensed operators must bear the cost of ensuring non-interference



# Unlicensed Proponents Cannot Apply Multiple Protection Criteria, Exploit Fade Margin, and then Suggest Other Conditions Will Prevent Remaining Interference

RKF Further Analysis, Very Low Power Portable Study, LADWP Case Study, High-Rise Building Study, FS/Wi-Fi Coexistence Testing Study, Duty Cycle and Simulation Study, Fade Margin Study

The studies show that unlicensed operations will **often exceed a -6 dB I/N**, and then flip to applying a C/N protection criteria

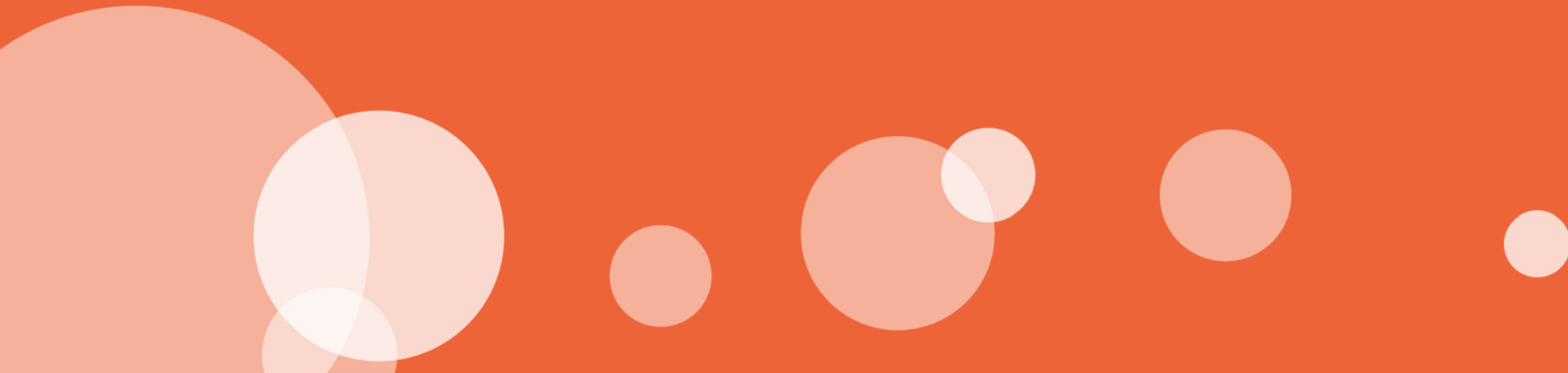
Applying the C/N criteria would **exploit fade margin** from FS links

Further, in the LADWP study, the analysis shows that some links will experience **interference even after applying C/N criteria**

Unlicensed stakeholders dismiss this interference by pointing to the affected FS links' diversity antennas or the barren areas surrounding them, but they fail to show that this "mitigation" approach is applicable across-the-board to tens of thousands of FS links

04

Unsuitable RLAN Study  
Approaches Must Be Addressed



# The RLAN Studies Contain Multiple Unsuitable Approaches that Undermine the Conclusions



1. **Polarization mismatch** is not a constant factor in all RLAN scenarios
2. **Building Entry Loss** (BEL) is statistical in nature and cannot be considered as a single value in all instances
3. Given the magnitude of expected RLAN deployment, **aggregate** and **high duty-cycle** impacts must be addressed

# Unlicensed Studies Cannot Rely on Polarization Mismatch

**RKF Further Analysis, Very Low Power Portable Study, LADWP Case Study  
High-Rise Building Study, Duty Cycle and Simulation Study**

5 studies rely on **polarization mismatch** to reduce interference by an average of 3 dB

But polarization discrimination is predictable **only for systems that can guarantee antenna placement and orientation**

Many RLAN antennas are **hinged** and cannot be guaranteed to be in any specific orientation

Further polarization is only predictable within the **main beam** of the antenna, not for **side lobe** or **back lobe** interference



# Unlicensed Studies Cannot Apply a Single Value to Building Entry Loss (BEL)

## LADWP Case Study, High-Rise Building Study, Duty Cycle and Simulation Study

Three studies apply a single level of BEL to demonstrate that indoor untethered devices won't cause interference

BEL is a **VERY statistical parameter**, which varies from no loss to very high loss depending on building materials

ITU-R Rec. P.2109-0 on BEL requires sharing studies to use the **full distribution**, not a single level of loss

Using a single level of BEL **discounts scenarios** where BEL is very low – and thus, a **higher likelihood for interference**



# Unlicensed Stakeholders Must Address Aggregate Interference Risks

## High-Rise Building Study

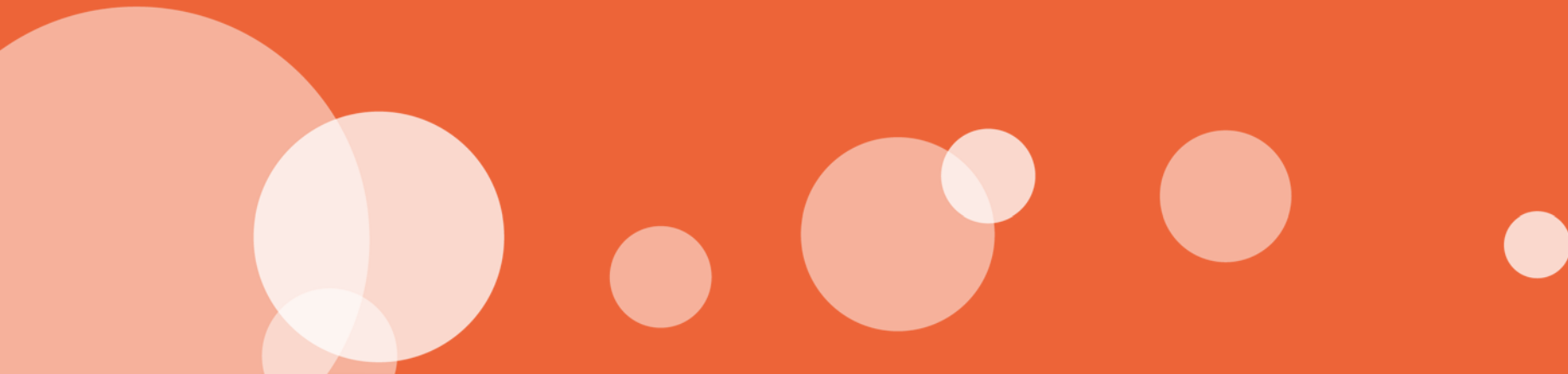
Only one of the six studies calculates **aggregate interference** from RLAN devices – a problem in and of itself – and even that study fails to make technical sense

The study concludes that the aggregate impact from multiple RLAN devices will be less than the impact from a single RLAN device – this is **not technically feasible**

Relatedly, the aggregate of RLAN emissions will be high duty-cycle in nature, and the Duty Cycle and Simulation Study shows that at higher I/N levels, high duty-cycle operations will create more interference than low duty-cycle operations

05

## Unsupported Conclusions



# Unsuitable Methodologies and Unreasonable Assumptions Lead to Unsupported Conclusions



Multiple unlicensed studies rely on the misguided approaches highlighted here above to mitigate interference

The studies ultimately conclude that low power, indoor devices need not be under the control of the AFC

For example, in the LADWP Case Study:

- The protection criteria is exceeded in over **25 percent** of the links after performing the first analysis
- After applying a second and different analysis to those links, **10 percent of the links remain problematic**

**All Unlicensed Devices Must Be Under AFC Positive Control**



# Recent Experience in the 5 GHz Band Demonstrates the Need for Positive Control in 6 GHz

Some operators have turned off Dynamic Frequency Selection in U-NII devices in the 5 GHz band, causing interference to government incumbents

- The FCC issued 3 NALs in August 2019 and interference remains ongoing today

The same concerns exist in the 6 GHz band and on a larger scale

- 5 GHz – 47 weather radar locations
- 6 GHz – tens of thousands of FS links

The risk of interference is even greater at 6 GHz, where operators wouldn't need to manipulate equipment, just operate it outdoors

The only way to prevent these improper operations or address them when they occur is to require AFC positive control for all unlicensed operations

# The 57-71 GHz Band is Available for Very Low Power Operations Without AFC Control

Unlicensed stakeholders have explained that VLP devices in the 6 GHz band would be used for short-range, high-throughput communications

The 57-71 GHz band is a 14 GHz swath of spectrum that is ideal for short-range, very low power use cases – without AFC control

RLAN interests have not justified why they are focused on 6 GHz for VLP, rather than the 57-71 GHz band which is already available

ctia