

April 27, 2016

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: *Ex Parte Notice*
*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*

Dear Ms. Dortch:

On April 25, 2016, the individuals listed below, representing their companies and the Alliance of Automobile Manufacturers (“Alliance”), the Association of Global Automakers (“Global Automakers”), and Cisco Systems, Inc. (“Cisco”), met separately with Edward "Smitty" Smith, Legal Advisor to Chairman Wheeler, and Daudeline Meme, Legal Advisor to Commissioner Clyburn:

Rich Lopez, the Alliance
David Thomas, Global Automakers
Paula Timmons, Consultant to Global Automakers
Mary Brown, Cisco
Jamie Barnett, Counsel to Global Automakers
Ari Fitzgerald, Counsel to the Alliance

At these meetings, we discussed the questions we recommended in our April 14, 2016 *ex parte* letter in this proceeding,¹ explaining why those questions should be included in the Commission's upcoming public notice to refresh the record on the current state of development of 5850-5925 MHz (“5.9 GHz”) Dedicated Short Range Communications (“DSRC”) technology and unlicensed 5.9 GHz device sharing proposals. In particular, we stated that addressing questions such as whether a sharing proposal would require DSRC to use 20 MHz, as opposed to the current 10 MHz, channels is critical to developing a robust record that will allow the

¹ See Letter from Ari Q. Fitzgerald, Counsel, the Alliance, *et al.*, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 13-49 (filed Apr. 14, 2016).

Commission to make well-reasoned decisions in this proceeding and allow stakeholders to plan effectively as a result.

In documenting the need for interference-free access by DSRC to all 75 MHz of the licensed DSRC spectrum, we noted that in the next few months there will be several safety-related DSRC vehicle-to-infrastructure (“V2I”) deployments in areas around the U.S. that use DSRC channels other than the exclusive Basic Safety Message (“BSM”) Channel 172. For example, the U.S. Department of Transportation’s Connected Vehicle Pilot Deployments have begun along the New York State Thruway, along Interstate 80 in Wyoming (truck platooning), and in and around reversible freeway lanes in Tampa, Florida.² Additional V2I deployments are being finalized for other parts of the country. Some of these deployments will be supported by federal transportation funding provided through the Fixing America’s Surface Transportation (“FAST”) Act of 2015,³ while others will be supported by state transportation funding. At the same time, the Society of Automotive Engineers (“SAE”) International standards-setting process for V2P operations on Channel 176 is well underway and close to completion, and a DSRC Pedestrian protection deployment will be launched in Lower Manhattan, New York City next year. As noted above, these developments are in addition to the anticipated National Highway Traffic Safety Administration (“NHTSA”) Channel 172 BSM mandate, which is to be included in a notice of proposed rulemaking (“NPRM”) expected to be released in May 2016.

In addition, we discussed the potential consequences of the Commission’s recent decision to modify aspects of its 2014 decision⁴ to allow higher out-of-band emissions into the DSRC band from U-NII devices operating in the 5725-5850 MHz band.⁵ Allowing higher OOBES into the DSRC band from U-NII devices operating in the 5725-5850 MHz band will significantly increase the potential for harmful interference to DSRC operations.⁶

² See U.S. Department of Transportation, *CV Pilot Deployment Program*, <http://www.its.dot.gov/pilots/> (last visited Apr. 25, 2016).

³ See Pub. Law No. 114-94 (signed Dec. 4, 2015).

⁴ See *Revision of Part 15 of the Commission’s Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, First Report and Order, 29 FCC Rcd. 4127 (2014).

⁵ See *Revision of Part 15 of the Commission’s Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, Memorandum Opinion and Order, FCC 16-24 (rel. Mar. 2, 2016).

⁶ See Global Automakers, Petition for Reconsideration, ET Docket No. 13-29 (filed May 1, 2014).

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Respectfully submitted,

/s/ Ari Q. Fitzgerald

Ari Q. Fitzgerald

Partner

Hogan Lovells US LLP

Counsel to the Alliance

Ari.Fitzgerald@hoganlovells.com

D 1+ 202 637 5423

cc: Edward "Smitty" Smith
Daudeline Meme