June 6, 2016

**Ex Parte**

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

**Re:** *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, **ET Docket No. 13-49**
*Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks*, **IB Docket No. 13-213**

Dear Ms. Dortch:

On June 1, 2016 Michael Calabrese, representing New America's Open Technology Institute (OTI), and Harold Feld, representing Public Knowledge ("OTI and PK"), met with Commissioner Jessica Rosenworcel and her wireless legal advisor, Johanna Thomas, concerning the above-listed proceedings.

Concerning the Commission's ongoing proceeding to make next generation Wi-Fi possible by authorizing unlicensed use of all or a portion of **the proposed U-NII-4 band at 5.9 GHz** with the auto industry, the advocates thanked Commissioner Rosenworcel for her role in crafting the refresh Public Notice the Commission released on the day of this meeting. The advocates reiterated their view that the Commission should focus its testing on an early determination of what portion of the 75 megahertz band would be necessary for real-time public safety DSRC applications if the Department of Transportation adopts its proposed vehicle-to-vehicle safety signaling mandate. Focusing first on safety is critical, OTI and PK believe, since the public interest is best served if the remainder of the band (40 or 45 megahertz) is shared between DSRC non-safety applications and low-power unlicensed operations on an equal basis, enabling gigabit Wi-Fi.[1] OTI and PK have also suggested that even if the Commission cannot reach a final order this year with respect to the technical details around sharing the 5.9 GHz band between Wi-Fi and non-safety (and non-time-critical) DSRC operations, the Commission should nevertheless make a quick decision on rechannelization of the band based on a clear separation of the two or three DSRC channels that are necessary for time-critical public safety applications (e.g., vehicle-to-vehicle signaling).

With respect to **Globalstar's proposed Terrestrial Low Power Service (TLPS)**, OTI & PK noted their support for expanded use of Wi-Fi Channel 14, but only if the Commission can ensure it will

[1] *See* Michael Calabrese, *Spectrum Silos to Gigabit Wi-Fi – Sharing the 5.9 GHz 'Car Band'*, Open Technology Institute at New America (Jan. 2016), available at https://goo.gl/RY8M09.

create a net benefit for the public interest. The OTI representative described a public interest condition, proposed last year in separate filings by OTI and PK – and separately by Google – that could yield a return to the public, enabling both TLPS and enhanced Wi-Fi for consumers more broadly.[2] Specifically, in exchange for the valuable terrestrial mobile waiver and the waiver of the strict OOBE limits at the border between the 2.4 GHz unlicensed band and Globalstar's spectrum, the Commission should authorize reciprocal public use of Wi-Fi Channel 14 in locations where Globalstar's TLPS is not deployed and where Globalstar itself has determined that Channel 14 transmissions create virtually no risk of harmful interference to its mobile satellite device customers (e.g., indoors and generally within urban areas).

Should the Commission authorize TLPS and grant Globalstar valuable new spectrum rights, the OTI representative stated that the Order should expressly commit to initiating a future proceeding to open Channel 14 for public use after the trial period and assuming that TLPS is viable in practice. Although Globalstar has a legitimate claim to prioritized use of the *licensed portion* of Channel 14 where and when it actually commences service, the advocates noted that Globalstar is highly unlikely to deploy immediately on a nationwide basis. Channel 14 Wi-Fi spectrum should not lie fallow in schools, libraries and other venues in urban areas if it can be accessed on a secondary basis without interfering with TLPS deployments.

Globalstar's Network Operating System, according to its filings, will know the locations of all authorized TLPS access points, which would allow the NOS itself – or the Spectrum Access System (SAS) the Commission is certifying for the 3.5 GHz band – to greenlight opportunistic use of Channel 14 where it is unused. Unlicensed operations should be able to use Channel 14 on an opportunistic basis, as the Commission has adopted for unused licensed spectrum in the 3.5 GHz and 600 MHz band post-incentive auction. A Further Notice could also make implementation of public access to Channel 14 contingent on Commission approval of one or more certified SAS operators as a geolocation database extension using the TLPS location data the Order requires Globalstar to make publicly available to enforce protection areas to safeguard TLPS users once they commence service.

Respectfully submitted,

*/s/ Harold Feld*
Harold Feld
Senior Vice President
Public Knowledge
1818 N Street, NW
Washington, DC 20036

*/s/ Michael Calabrese*
Michael Calabrese
Wireless Future Project/
Open Technology Institute at New America
740 15th Street, N.W. – 9th Floor
Washington, DC 20005

cc: Johanna Thomas

[2] *See* Ex Parte Letter from Austin Schlick, Google, *Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks*, IB Docket No. 13-213 (Oct. 10, 2015); Ex Parte Letter from Michael Calabrese, New America's Open Technology Institute, and Harold Feld, Public Knowledge, *Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks*, IB Docket No. 13-213 (Feb. 13, 2015).