

June 6, 2016

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

Re: ET Docket No. 13-49 - Revision of Part 15 of the Commission's Rules ("5.9 GHz"); IB Docket No. 13-213, Terrestrial Use of The 2473-2495 MHz Band for Low Power Mobile Broadband Networks ("Globalstar")

Dear Ms. Dortch:

On June 6, 2016, Harold Feld of Public Knowledge, Dallas Harris of Public Knowledge, and Michael Calabrese of New America's Open Technology Institute (collectively referred to as "advocates") met with Daudeline Meme, Legal Adviser to Commissioner Clyburn, with regard to the above captioned 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 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 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 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

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>.

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

the waiver of the strict OOB 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.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

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Cc: Daudeline Meme

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).