

December 4, 2019

Chairman Ajit Pai  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Commissioner Michael O’Rielly  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Commissioner Geoffrey Starks  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Commissioner Brendan Carr  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

RE: ET Docket No. 19-138, Use of the 5.850-5.925 GHz Band

Dear Chairman Pai, Commissioners Rosenworcel, O’Rielly, Starks, and Carr,

The undersigned organizations, on behalf of millions of our members and supporters across the country, write to provide our support for the Federal Communications Commission (FCC)’s draft Notice of Proposed Rulemaking (NPRM) in the 5.9 GHz proceeding. Chairman Pai’s proposed compromise will eliminate unnecessarily restrictive legacy rules and free this band for more efficient and intensive use by both broadband and transportation technologies.

In 1999, the FCC granted exclusive rights, with no auction, buildout rules, or sharing responsibilities, to 75 MHz of spectrum in the 5.9 GHz band for a single, government-picked technology: dedicated short-range communications (DSRC).<sup>1</sup> Not surprisingly, 20 years later, this command and control regulation has failed. In all that time, only one company deployed only one car with DSRC, and that one car will be discontinued after the 2019 model year. Today, no automaker has active plans to deploy DSRC.

At the same time, consumer demand for wireless broadband has skyrocketed. Wi-Fi became available in 1999, the same year as the 5.9 GHz set aside, but unlike DSRC, Wi-Fi is ubiquitous. Cisco predicts that nearly 57 percent of U.S. internet traffic will travel over Wi-Fi by 2022. The enormous demand has resulted in congestion, and there have been no new allocations of mid-band spectrum suitable for Wi-Fi in more than a decade.

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<sup>1</sup> Federal Communications Commission, “In the Matter of Amendment of Parts 2 and 90 of the Commission’s Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Services, ET Docket No. 98-95, RM-9096,” Adopted October 21, 1999, [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Orders/1999/fcc99305.txt](https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1999/fcc99305.txt).

Chairman Pai’s proposal will dedicate the upper 30 megahertz of 5.9 GHz for automotive safety applications in a technology-neutral manner, while adding the lower 45 megahertz of the band to the adjacent 5.8 GHz band which is widely used for Wi-Fi today. Thanks to Chairman Pai’s thoughtful compromise proposal, severely underused spectrum can be put to work, help enable deployment of next-generation wireless broadband technologies with faster speeds to consumers in the near term, and still provide spectrum access for automotive safety innovations.

In particular, the proposal will create the country’s first widely-usable, contiguous 160 MHz Wi-Fi channel, which can deliver multi-gigabit low latency connections to support 5G services in dense indoor environments. As a November 29, 2018 RAND study has detailed, opening the 5.9 GHz spectrum for unlicensed use will contribute up to \$100 billion to GDP.<sup>2</sup>

While the deployment of DSRC technologies has been virtually nonexistent in the 5.9 GHz band, innovative automotive safety technologies are being deployed. Sensors, cameras, and radar-based technologies are alerting drivers to impending dangers and blind spots. Many cars have and will have innovative features to improve highway traffic management and allow automated parking and autopilot.

Segmenting the band also means that the FCC and Department of Transportation can cease testing now-irrelevant co-channel interference scenarios and focus on next steps to foster widespread Wi-Fi deployment in the lower 45 megahertz and innovative automotive safety services in the top 30 megahertz. This band-split approach is the best way to support the deployment of the latest automotive safety technologies and meet the need for new unlicensed wireless broadband spectrum to support critical communications at hospitals, ports, railyards, airports, homes, and offices.

The FCC should rapidly proceed with its NPRM on the 5.9 GHz band to ensure this band is allocated to the best use and next-generation technologies are made available for both consumers and automotive safety as soon as possible.

Respectfully submitted,

Thomas A. Schatz  
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Citizens Against Government Waste

Bartlett Cleland  
President  
Innovation Economy Institute

Andrew Langer  
President  
Institute for Freedom

Ian Adams  
Vice President for Policy  
TechFreedom

Phil Kerpen  
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American Commitment

Tom Giovanetti  
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<sup>2</sup> Diana Gehlhaus Carew, Nicholas Martin, Marjory S. Blumenthal, Philip Armour, Jesse Lastunen, “The Potential Economic Value of Unlicensed Spectrum in the 5.9 GHz Frequency Band,” RAND Corporation, November 29, 2018, <http://www.rand.org/t/RR2720>.

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