

Congress of the United States
Washington, DC 20515

December 9, 2013

1246

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler,

As you know, the Middle Class Tax Relief and Job Creation Act called for the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) to examine the possible expansion of unlicensed Wi-Fi access at 5 GHz – a significant driver of economic and technological growth. We strongly support prompt action on this examination in order to maximize the benefits of our nation’s finite spectrum resource and meeting US spectrum demands in a timely manner.

We note positive steps to date by both NTIA and the FCC to examine the possible expansion of unlicensed access at 5 GHz. In January 2013, NTIA released a report reviewing potential interference concerns, including interference concerns to Intelligent Transportation spectrum at 5.85-5.925 GHz. NTIA’s report concluded that further analysis will be required to resolve potential conflicts between incumbent systems and Wi-Fi users, and stating that it will conduct detailed quantitative studies which will include additional analysis and measurements to evaluate the feasibility of existing, modified, proposed and new spectrum-sharing technologies and approaches.

The NTIA report stated: “These studies will be supported by and involve direct interaction between federal and non-federal stakeholders, including representatives of the wireless industry and the intelligent transportation community.” The report targets July-December 2014 for completion of these spectrum sharing studies and final recommendations.

In February 2013, the FCC opened a rulemaking proceeding proposing to facilitate additional unlicensed use of 5.15-5.925 GHz. Comments and reply comments have been received by the FCC. These are all positive steps and we commend your efforts in this regard.

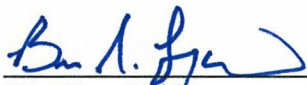
Based on testimony from the recent House Communications and Technology Subcommittee hearing on 5 GHz, we learned that there is now more than one proposal to resolve interference concerns between ITS and Wi-Fi uses. Industry groups have been meeting to discuss the proposals and develop them further. As Members of Congress, we have no particular view at this early date about which proposal, or combination of proposals, might be the best path forward to protect incumbent systems while expanding access for Wi-Fi. We are concerned, however, that industry conversations about sharing the transportation spectrum, while helpful

and necessary, are insufficient to resolve potential conflicts. The federal government is equally a stakeholder – as a matter of spectrum policy and as a matter of public safety.

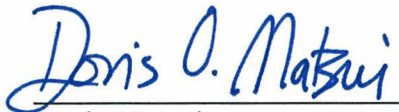
It is imperative and our expectation that both federal and non-federal parties promptly engage in the collaboration and information-sharing necessary to maximize our nation's limited spectrum resource, consistent with the June 2013 Presidential Memorandum: Expanding America's Leadership in Wireless Innovation. We seek the leadership of your agencies in ensuring that these critical engineering discussions on spectrum sharing among the Wi-Fi and ITS industries are completed as expeditiously as possible.

In our view, the FCC, NTIA, and other relevant agencies must continue to work together collaboratively with all relevant industry stakeholders to meet the spectrum needs of this nation. We urge all interested parties to continue to engage in this process in a timely manner and allow those with technical expertise to engage in developing sharing techniques that protect all primary licensed users, while enabling expanded unlicensed access in the 5 GHz band. Please provide us with a progress report on your collaborative testing efforts, especially with respect to the 5.85-5.925 GHz band, and when you expect it to be completed.

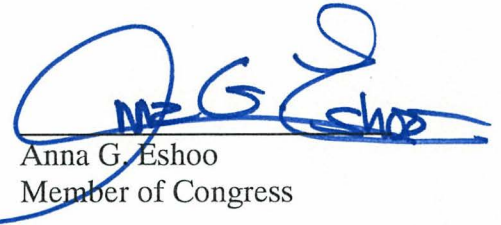
Sincerely,



Ben Ray Lujan
Member of Congress



Doris Matsui
Member of Congress



Anna G. Eshoo
Member of Congress

cc: Lawrence Strickling, Assistant Secretary U.S. Department of Commerce
Anthony Foxx, Secretary U.S. Department of Transportation