



2550 South Clark Street | Arlington, VA 22202

202.872.0030 Phone | 202.872.1331 Fax

utc.org | networks.utc.org

November 14, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

Ex Parte

Re: Notice of Ex Parte Presentation, ET Docket No. 18-295, WT Docket No. 17-200 ; IBFS File No.: SES-LIC-20150616-00357, Call Sign: E150095.

Dear Ms. Dortch:

The Utilities Technology Council (“UTC”) is providing the following ex parte notification in the above-referenced proceedings in accordance with Section 1.1206 of the Commission’s Rules. On November 12, 2019, Joy Ditto, President & CEO of UTC along with Sharla Artz, Robert Thormeyer and the undersigned from UTC met with Commissioner Michael O’Rielly and Erin McGrath, Legal Advisor, Wireless, Public Safety and International in the Office of Commissioner O’Rielly to discuss matters related to the above-referenced proceedings.

During the meeting, Ms. Ditto explained that utilities and other critical infrastructure industries operate extensive microwave communications systems in the 6 GHz band, which they use to support the safe, reliable and secure delivery of essential services. UTC further explained potential interference from unlicensed operations represents an unreasonable risk to the performance of these microwave systems in the 6 GHz band. Therefore, UTC urged the Commission to refrain from allowing unlicensed operations in the 6 GHz band, and require further field testing of the automated frequency control technology proposed to mitigate harmful interference before any such unlicensed operations should be permitted in the band.

Ms. Ditto explained that the Commission should not ignore the interference concerns raised by utilities on the record, and that these concerns are shared by the Department of Energy.¹ UTC and others began raising these concerns long before the present proceeding, but nonetheless the Commission granted authority for Higher Ground, LLC to operate in the band and has yet to act on pending applications for review filed by UTC and others.² Moreover, the Commission moved forward with the present rulemaking proceeding, despite numerous comments that raised interference concerns in response to the

¹ Letter from Bruce J. Walker, Assistant Secretary, Office of Electricity, U.S. Dep’t of Energy, to Ajit Pai, Chairman, FCC (Sept. 3, 2019).

² See In the Matter of Higher Ground LLC, Order and Authorization, IBFS File No.: SES-LIC-20150616-00357, DA 17-80 (rel. Jan. 18, 2017)(hereinafter “Order”). See also, Higher Ground Application for a Blanket License to Operate C-band Mobile Earth Terminals, IBFS File No. SES-LIC-20150616-00357 (Application and Waiver). And see Application for Review of the Utilities Technology Council, IBFS File No.: SES-LIC-20150616-00357 (filed Feb. 17, 2017). See also Application for Review of the Fixed Wireless Communications Coalition (filed Feb. 10, 2017); APCO International (filed Feb. 17, 2017); and Enterprise Wireless Alliance, IBFS File No.: SES-LIC-20150616-00357 (filed Feb. 17, 2017).

Commission's *Notice of Inquiry* on this matter.³

She explained that UTC is currently engaging in informal discussions with representatives from equipment manufacturers who are proponents of unlicensed operations in the 6 GHz band, but that there is still a need for proponents of unlicensed operations to exhibit a greater understanding and appreciation for the criticality of utility microwave communications and the need to protect them against interference. Moreover, as a technical matter, there continue to be concerns about the potential for interference from proposed unlicensed operations to utility microwave systems in the band, despite proponents' assurances that the potential for interference is low.

She also explained that utilities lack alternatives to using the 6 GHz band, particularly for mission critical communications that support latency sensitive utility applications. When asked by Commissioner O'Rielly, she indicated that some utilities may be considering using the 900 MHz band for broadband LTE to support some of their communications needs. Ms. Ditto mentioned that UTC supports the use of this band for broadband LTE by utilities as long as incumbent narrowband systems are protected from harmful interference. Finally, she and representatives from UTC explained that utilities are not alone in their technical concerns about the potential for interference to microwave systems in the 6 GHz band. Recent filings by other parties on the record have provided detailed technical analyses that show a significant potential for interference from proposed unlicensed operations in the 6 GHz band.

Thank you for your help in this matter. If there are any questions concerning this matter, please contact the undersigned.

Respectfully,



Brett Kilbourne

Cc: FCC Participants

³ See *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Notice of Inquiry, GN Docket No. 17-183 (rel. Aug. 3, 2017). See also Comments of the Utilities Technology Council and the Edison Electric Institute in GN Docket No. 17-183 (filed Oct. 2, 2017)