



American
Petroleum
Institute



NRECA
America's Electric Cooperatives



Utilities
Technology
Council™

August 24, 2020

Re: Open Letter of Incumbent Licensee Stakeholders Participating in the 6 GHz Multi-Stakeholder Group Planning Meeting, July 31, 2020.

To Whom it May Concern:

We, the organizations and companies representing licensees and/or operating licensed microwave systems in the 6 GHz (5925-7125 MHz) band, join together to support the following baseline principles for the 6 GHz multi-stakeholder group. We also emphasize addressing testing, processes, and best practices to prevent, detect, and eliminate interference to mission critical communications that are essential for public safety, energy and water services, and transportation.

We seek to engage in good faith and appreciate the efforts of the parties to form a 6 GHz multi-stakeholder group.¹ The Federal Communications Commission (FCC, the Commission) declined to establish rules on significant issues with the expectation that they would be addressed by a multi-stakeholder group. These issues include testing and implementation of protocols and security for automated frequency coordination (AFC) and testing of low power indoor (LPI) unlicensed operations during the interim period prior to the commercial deployment of these devices.²

Even having declined to establish rules on these significant issues, however, the FCC has an important role to play. The FCC should ensure that the multi-stakeholder group engages on these key issues, and guarantees that LPI testing occurs in a meaningful way. This will require the group to adopt policies and processes that promote transparency,

¹ Some of the undersigned parties have filed petitions for reconsideration of the Commission's 6 GHz Report and Order or petitions for review of this Order with the U.S. Court of Appeals for the D.C. Circuit. Accordingly, nothing in this letter is intended to concede any arguments or challenges presented to the Commission or the Court, including the Commission's decision to delegate certain matters to a multi-stakeholder group.

² Report and Order and Further Notice of Proposed Rulemaking, *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, FCC 20-51, ET Docket No. 18-295, GN Docket No. 17-183 (rel. Apr. 24, 2020) at paras. 174-180.

commit to balanced representation, and develop enforceable recommendations that can be submitted by the multi-stakeholder group to the Commission for its formal consideration and ultimate adoption as rules. Accordingly, we are engaging with the multi-stakeholder group in a good faith effort to address the important issues that have been delegated to it, and we look forward to working with the Commission together with the multi-stakeholder group.

We believe that it is essential for the success of the multi-stakeholder group that it address the following issues and adopt the following operating principles via a formal charter or governing document for the group.

Essential Issues the Multi-stakeholder Group Should Address:

- The multi-stakeholder group should address LPI testing, in addition to AFC implementation. The Commission has stated its desire for the multi-stakeholder group to address this issue, and there is a shrinking window of time in which LPI testing needs to be conducted before these devices are commercially deployed and cause harmful interference to licensed microwave systems that support mission critical communications for public safety, energy and water utilities and railways. We support AFC and LPI testing under real-world conditions and believe that the multi-stakeholder group should conduct such testing with a third-party federal laboratory such as the Public Safety Communications Research Division of the National Institute of Standards and Technology, the National Telecommunications and Information Administration's (NTIA) Institute for Telecommunication Sciences, or Idaho National Labs, and report the results of the tests to the FCC for further consideration. In this regard, LPI devices should be made available for testing. If such devices are not made available for testing, the FCC should intervene as necessary to make them available for testing.
- The multi-stakeholder group should address processes and practices for promptly detecting and eliminating interference caused by standard power devices under the control of AFC, as well as interference caused by LPI devices not under the control of AFC. The goal should be to prevent interference from occurring, rather than reducing the occurrence of interference to some arbitrary level and remedying instances of interference after the fact through laborious, time-consuming, and expensive methods. Although characterization of interference and modeling/algorithms are important, the multi-stakeholder group should also address the underlying factors that form the basis for the AFC propagation analysis, as well.
- The multi-stakeholder group should address the accuracy of the underlying data and the protocols for AFC, including security protocols. The FCC expressly stated that it expected security protocols would be considered by a multi-stakeholder group,³ and it is therefore appropriate and critical for it to be addressed, given the potential impact of interference to mission critical communications if these unlicensed devices or AFC systems malfunction. In addition, the AFC system needs to not only use accurate data about the parameters for incumbent microwave systems, but it must also use current and accurate data about the location of

³ *Id.* at para. 179.

unlicensed operations that are subject to AFC. This data is essential for protecting against interference to licensed microwave systems and it is necessary for tracing and resolving instances of interference that may occur despite AFC.

Operating Principles for the Activities and Decisions of the Multi-Stakeholder Group

- Recommendations of the multi-stakeholder group should become binding and enforceable. If the recommendations are going to have any meaning as a practical matter, there must be a way to require AFC operators, equipment manufacturers and unlicensed operators to follow these recommendations. There is nothing that prevents the multi-stakeholder group from making recommendations that are enforceable, and the Commission could assist if necessary in this role. There is also precedent in the context of the development of the Spectrum Access System (SAS) for the 3.5 GHz Citizens Broadband Radio Service (CBRS) in which recommendations were developed and made enforceable through a multi-stakeholder process.
- Activities and decisions by the multi-stakeholder group should be transparent and consensus-driven. Meetings should be scheduled in advance and conducted openly with an agenda and minutes that list the participants and describe the issues to be addressed and the decisions that were reached during the meetings. Information that is submitted for consideration by the multi-stakeholder group, such as technical studies, should also be made available to participants in advance of the meeting and posted on a listserv or some other central repository that would be retained for the record. Recommendations should be developed through consensus, and votes should be recorded. Every effort should be made to address the concerns of incumbent licensees.
- Consensus means the general agreement of the participants.⁴ This means the process of the group requires consideration of all views, proposals and objections, and good faith endeavors to reconcile them. Where consensus is not possible, the group, including all working groups, should strive to make decisions that are supported by the available information and to document opposing views or abstentions. The achievement of consensus should be based on thorough examination of issues, including the discussion of dissenting opinions and the resolution of disagreement. If unanimous agreement cannot be achieved, then members shall have an opportunity to provide alternative views in its output without quantifying support for these views.

We respectfully request that the Commission adopt and make mandatory these key issues and operating principles for the multi-stakeholder group going forward. This list of key issues and operating principles is not exhaustive, but we believe that these are essential and necessary and must be addressed and followed by the multi-stakeholder group. Again, we offer these key issues and operating principles in a good faith effort to support the multi-stakeholder group, and we look forward to engaging with the multi-stakeholder group and the FCC to ensure there is a framework to successfully prevent, detect, and eliminate interference from unlicensed operations to mission critical communications by public

⁴ The multi-stakeholder group's governing principles should establish a mechanism, such as voting, to gauge when consensus and general agreement has been achieved.

safety, energy and water utilities and railways that are carried over licensed microwave systems in the 6 GHz band.

Sincerely,

UTILITIES TECHNOLOGY COUNCIL

/s/ Brett Kilbourne

Brett Kilbourne
Vice President Policy and General Counsel
Utilities Technology Council
2550 South Clark Street, Suite 960
Arlington, VA 22202
202-872-0030

EDISON ELECTRIC INSTITUTE

/s/ Aryeh Fishman

Aryeh Fishman
Associate General Counsel, Regulatory Legal Affairs
Edison Electric Institute
Washington, D.C. 20004
(202) 508-5000

AMERICAN PUBLIC POWER ASSOCIATION

/s/ Corry Marshall

Corry Marshall
Senior Government Relations Director
American Public Power Association
2451 Crystal Dr., Suite 1000
Arlington, VA 22202
202-467-2939

AMERICAN PETROLEUM INSTITUTE

/s/ Suzanne Lemieux

Suzanne Lemieux
Manager Operations Security & Emergency Response Policy, Corporate Policy
American Petroleum Institute
200 Massachusetts Avenue NW
Washington, DC 20001-5571
(202) 682-8000

NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

/s/ Ralph Haller

Ralph A. Haller, Chairman
National Public Safety Telecommunications Council
9615 East County Line Road, Suite B-246
Centennial, Colorado 80112

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION

/s/ Brian M. O'Hara

Brian M. O'Hara
Senior Director Regulatory Issues – Telecom &
Broadband
National Rural Electric Cooperative Association
4301 Wilson Blvd.
Arlington, VA 22203
703-907-5798

AMERICAN GAS ASSOCIATION

/s/ Matthew Agen

Matthew J. Agen
Assistant General Counsel
American Gas Association
400 North Capitol Street, NW
Washington, DC 20001
(202) 824-7090
magen@aga.org

APCO INTERNATIONAL

/s/ Jeffrey Cohen

Jeffrey S. Cohen
Chief Counsel and Director of Government Relations
APCO International
1426 Prince Street
Alexandria, VA 22314
571-312-4400 ext. 7005
703-599-3518 mobile