

4.9 GHz Issue Brief

Updated: Second Quarter, 2021

SUMMARY

Expanding access to the 4.9 GHz spectrum band for electric utilities and other critical infrastructure industries (CII) will help make more efficient use of the band and give these critical industries more options for their wireless radio communications needs.

The Federal Communications Commission (FCC, the Commission) has tried numerous approaches to expanding access to the band, which is currently reserved for public safety operation. Most recently, in September 2020, the FCC approved new rules permitting states to lease 4.9 GHz spectrum to third parties, including electric utilities. However, less than a year later, in May 2021, the Commission froze access to the band and put future use of the band in limbo.

UTC POSITION

The Utilities Technology Council (UTC) has long endorsed efforts to expand access to the 4.9 GHz band and has worked with the National Public Safety Telecommunications Council (NPSTC) to develop a proposed plan which would include utilities as eligible entities to hold licenses. UTC believes that expanding eligibility to include utilities and other critical infrastructure entities will improve emergency response and partnerships between utilities and public safety.

UTC supported the concept of the September 2020 decision to allow third-party access to the band, but expressed concerns about the rules the FCC developed for spectrum allocation. On behalf of its members, UTC will continue to work with the FCC to ensure a more favorable outcome for the utility industry.

BACKGROUND

The FCC first allocated the 4.9 GHz band for exclusive use by public safety in 2002, and at the time it was anticipated that the band would be used for “hot-spot” communications on a temporary basis during emergencies. The Commission noted that the band’s proximity to some of the unlicensed bands would allow public safety to leverage the equipment in those bands for use in the 4.9 GHz range. The Commission adopted service rules for the band permitting it to be lightly licensed and coordinated by Regional Planning Committees (RPCs).

Because the band was lightly used, the Commission launched a proceeding in 2007 to make more effective use of it. UTC has long supported the idea of giving utilities and other CII eligibility to hold licenses in the band. Throughout the last several years, UTC has worked with NPSTC and other public safety organizations to gather support for the inclusion of utilities and CII as eligible entities to use the 4.9 GHz band.

In its September 2020 order, the FCC permits one statewide 4.9 GHz band licensee per state to lease some or all of its spectrum rights to third parties—including utilities and other commercial and public safety users—in those states that the FCC has not identified as a diverter of 911 fees. The order does not limit or modify the rights of any incumbent public safety licensees, so they will be able to continue to provide existing services. These new rules also eliminate the requirement that leased spectrum must be used to support public safety but would require lessees to adhere to the informal coordination requirements applicable to the band.

SITUATIONAL AWARENESS

The FCC reversed course in May 2021, when it suspended its earlier decision. It determined that its earlier order was unworkable and undermined public safety's use of the band.

UTC was concerned that the September 2020 decision only permitted utilities and other critical-infrastructure industries the ability to lease the spectrum, and then only lease it from states. Importantly, most states do not have a process in place to lease the spectrum in the first place.

Overall, though, UTC believes that sharing the 4.9 GHz spectrum is an opportunity for utilities to deploy fixed point-to-point connectivity in a band that is lightly used in order to support their private utility networks that enhance the operational efficiency, safety and reliability of the electricity system. The process of sharing the band with public safety and the potential for using up to 50 MHz of licensed spectrum will promote partnerships between utilities and public safety that will create synergies as well as more effective use of the band.

Utilities would use the 4.9 GHz band for numerous mission-critical operations, including communications backhaul, SCADA applications, advanced metering, distributed

generation management, protective relaying, and much more.

ABOUT UTC

The Utilities Technology Council (UTC) is a global trade association dedicated to serving critical infrastructure providers. Through advocacy, education and collaboration, UTC creates a favorable business, regulatory and technological environment for companies that own, manage or provide critical telecommunications systems in support of their core business.

History: UTC was founded in 1948, to advocate for the allocation of additional radio spectrum for power utilities. Over the last 70 years, UTC has evolved into a dynamic organization that represents electric, gas and water utilities, as well as natural gas pipelines, critical infrastructure companies and other industry stakeholders.

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