

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Unlicensed Use of the 6 GHz Band) ET Docket No. 18-295
)
Expanding Flexible Use in Mid-Band Spectrum) GN Docket No. 17-183
Between 3.7 and 24 GHz)

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”), on behalf of its many members that rely on 6 GHz microwave facilities to support operations essential to the day-to-day lives of the citizens of this nation, urges the Federal Communications Commission (“FCC” or “Commission”) to grant the Request for Stay (“Stay Request”) filed by certain public safety and critical infrastructure organizations.¹ The FCC’s authority to take the actions requested in the Stay Request is beyond question in light of information brought to the FCC’s attention since adoption of rules allowing untethered, unlicensed low power indoor (“LPI”) devices in the 6 GHz band.² It is essential that the FCC place a temporary hold on its certification of new LPI devices, as well as on the

¹ See Request for Stay filed on December 7, 2021, by American Gas Association, American Petroleum Institute, American Public Power Association, American Water Works Association, APCO International, Association of American Railroads, Edison Electric Institute, International Association of Fire Chiefs, National Public Safety Telecommunications Council, National Rural Electric Cooperative Association, Nuclear Energy Institute, and Utilities Technology Council (“Petitioners”).

² *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 18-295, GN Docket No. 17-183, FCC Rcd 3852 (2020) (“6 GHz Order”).

marketing, sale, and importation of already certified LPI devices,³ until the Commission has an opportunity to evaluate the impact of the test report submitted by Southern Company Services, Inc.⁴ (“Southern”) on the FCC’s conclusions in the 6 GHz Order.

EWA will not recite the history of this proceeding or describe the reliance the FCC placed on the Monte Carlo simulation submitted by CableLabs on behalf of parties promoting unlicensed use of the band (“Unlicensed Proponents”) generally and the rules governing LPI devices specifically. EWA has the highest regard for the expertise and the outstanding record of technical impartiality for which the FCC’s Office of Engineering and Technology (“OET”) is justly credited. But the FCC’s evaluation of competing claims regarding technical issues necessarily relies on the data provided by interested parties. As described in detail in the Southern Test Report and in the Stay Request, the Unlicensed Proponents failed to disclose the beacon signals transmitted by LPI devices, which EWA believes³ would have been a highly relevant factor in the FCC’s assumptions regarding LPI duty cycles and, therefore, in its assessment of their interference potential. The Unlicensed Proponents’ belated and ineffective attempt to downplay the significance of this feature is addressed in n. 10 of the Stay Request. That failure to disclose, coupled with the interference identified in the Southern Test Report, provide ample grounds for grant of the Stay Request.

EWA has no reason to challenge the FCC’s decisions in this proceeding other than a profound concern about the interference potential of unlicensed LPI operations in the 6 GHz

³ The Commission recently clarified its authority regarding already certified equipment in its “Covered Equipment” proceeding. *See Notice of Proposed Rulemaking and Notice of Inquiry*, ET Docket No. 21-232, 86 FCC Rcd 46644 at ¶¶ 80-89 (2021); *see also* 47 C.F.R. § 2.939.

⁴ *See* Letter from Larry Butts, Manager, Telecom Engineering, Southern Company Services, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission in ET Docket No. 18-295 and GN Docket No. 17-183 (filed June 23, 2021); *see* Attachment A: Test Report on the Effects of 6 GHz RLAN Units on Fortson to Columbus Microwave Link, June 21, 2021 (“Southern Test Report”). Southern’s testing was conducted jointly with Lockard & White and the Electric Power Research Institute, both of which have well-established expertise in microwave operations.

band under the current rules, a concern that has been greatly increased in light of the Southern Test Report. EWA represents numerous utilities, transportation providers, oil and gas companies, manufacturers, private wireless operators, and other enterprise users that depend heavily on 6 GHz microwave networks to manage their operations. As has been described in numerous filings in this proceeding, interference that takes a single link out of operation, even temporarily, has a cascading impact on the rest of the network. These networks enable American industry to provide essential goods and services to the American public every day. Any interruption in their operations could be life-threatening and would add to the supply chain problems that already have a seriously damaging effect on the American economy.

The documented interference potential of LPI devices is even more troubling because of the lack of mechanisms in the FCC rules or in the real world for identifying, contacting, and disabling the offending device. EWA highlighted this concern previously in this proceeding⁵ and the inadequacy of interference identification and resolution, even for standard power devices operating under the control of an AFC, was raised in a recent *ex parte* presentation by AT&T.⁶ While after-the-fact mitigation is no substitute for preventing interference before it occurs, the absence of corrective measures places an even greater obligation on the FCC to ensure that it has accurately evaluated the likelihood of interference from LPI devices.

EWA urges the Commission to stop the introduction of more LPI devices into the marketplace until the facts in the Southern Test Report have been fully vetted, preferably by the FCC conducting testing on its own to determine the actual interference potential they present.

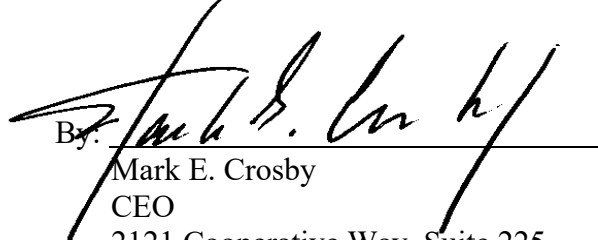
⁵ EWA Reply Comments filed Mar. 18, 2019.

⁶ See Letter from Alex Starr, AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission in ET Docket No. 18-295 and GN Docket No. 17-183 (filed Oct. 14, 2021).

EWA stands ready to work with the Commission and with Unlicensed Proponents in a meaningful exchange of information that EWA hopes might lead to a successful sharing regime.⁷

Respectfully submitted,

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⁷ EWA has participated in the multi-stakeholder group (“MSG”) suggested by the FCC in the 6 GHz Order as a locale in which microwave incumbents and Unlicensed Proponents might “work cooperatively to develop and test devices to aid in the goal of developing processes for introducing and operating devices across the 6 GHz band.” GHz Order at ¶ 117. It shares the disappointment expressed by other incumbent representatives about the ineffectiveness of the MSG and the failure of Unlicensed Proponents to provide meaningful information or pay even lip service to the objectives laid out by the FCC.