

August 25, 2022

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: WP Docket No. 07-100
***Ex Parte* Letter**

Dear Ms. Dortch:

The undersigned signatories¹ share the FCC's objective for the 4.9 GHz band:

...ensure “public safety enjoys maximum access to emerging broadband technologies” while also increasing overall use of the band through a single, nationwide framework that protects and fosters the growth of, and innovation in, critical operations making more intensive use of the 4.9 GHz band.²

These organizations represent entities providing the public safety and other critical services whose interests the FCC committed to advance in the next stage of this proceeding. They have come together to present this plan for a regulatory approach that will achieve the FCC's objectives, including preserving public safety primacy in this important band.

This proposal is responsive to the FCC's suggestion that “assigning spectrum management responsibility to a single nationwide entity might simplify the task of developing a national framework for the band...”³ Many of the signatories have been trusted FCC-certified Frequency Advisory Committees (“FACs”) for decades with responsibility for recommending frequencies in multiple bands. They do so with the objectives of maximizing the use of spectrum, fostering and supporting technological innovation, and avoiding interference between systems. Others represent the interests of public safety and critical service users and have an in-depth understanding of their system requirements. Collectively, they have the qualifications and the commitment to serve this vital segment of the communications community. Importantly, the plan can be implemented

¹American Petroleum Institute (API), Enterprise Wireless Alliance (EWA), Forestry Conservation Communications Association (FCCA), International Municipal Signal Association (IMSA), National Sheriffs' Association (NSA), and Utilities Technology Council (UTC).

² *Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100, Order on Reconsideration and Eighth Further Notice of Proposed Rulemaking, 86 FR 59934 at ¶ 2 (Oct. 29, 2021) (“FNPRM”) (citing *The 4.9 GHz Band Transferred from Federal Government Use*, WT Docket No. 00-32, Second Report and Order and Further Notice of Proposed Rulemaking, 17 FCC Rcd 3955 at ¶ 1 (2002)).

³ FNPRM at ¶ 51.

expeditiously by building on these organizations' extensive expertise in coordinating the use of valuable spectrum in service of the public interest.

The fundamental elements of the proposal are as follows:

- Create a not-for-profit entity to serve as the organizing entity with responsibility for development of a 4.9 GHz spectrum band utilization strategy and policies under the direction of representatives of the signatory entities and others who are encouraged to participate, and whose involvement will further promote use of the 4.9 GHz band.
- Should the FCC adopt its proposal to establish a single entity with nationwide spectrum management responsibility, secure FCC certification for the not-for-profit entity, the responsibilities and activities to be defined in accordance with a Memorandum of Understanding (MOU) between that entity and the FCC, including responsibility for ensuring that participating FACs operate in compliance with FCC rules and policies.
- Present the FCC with a 4.9 GHz band framework to accommodate multiple use cases such as fixed, mobile, microwave, robotics, WiFi, UAS, and other technologies. The band plan will identify band segments for such uses as well as permissible minimum and maximum areas of operation, registration/licensing terms, and other relevant criteria.
- Assist the FCC in development of a 4.9 GHz database by securing information about current 4.9 GHz utilization and, thereafter, through the registration/licensing process, providing information about new users such as equipment deployed, system locations, operating frequencies, emission type, output power, administrative information including name of operator, and primary point of contact, eligibility designation, priority access authority level, and any additional information that the FCC and/or the not-for-profit entity may determine will enhance coordinated use of this band.
- Promote access to the 4.9 GHz band for all eligible parties, to be defined by the FCC, on a first-come, first-served, and non-discriminatory basis.
- Develop a registration/application process to be used by participating FACs pursuant to the FCC's MOU. The process will be identical among the participating FACs and made available for public inspection. Much of the frequency coordination and analytical infrastructure is already in place among the FACs, including automated communication capabilities that support inter-FAC information exchanges that prevent the recommendation of frequencies that could result in interference. If the FCC chooses to approve 4.9 GHz spectrum requests by registration rather than licenses, as has been authorized for facilities in the Medical

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Body Area Network (MBAN),⁴ registration certifications would be issued by an authorized FAC.

The undersigned associations would be pleased to respond to any questions the FCC may have regarding this proposal.

Respectfully submitted:

American Petroleum Institute
Enterprise Wireless Alliance
Forestry Conservation Communications Association
International Municipal Signal Association
National Sheriffs' Association
Utilities Technology Council

cc via email:

Chairwoman Jessica Rosenworcel
Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington
Umair Javed
Ethan Lucarelli
Danielle Barnes
Shiva V. Goel
Erin Boone
Debra Jordan
David Furth
John Evanoff
Brian Marengo
Joel Taubenblatt
Roger Noel
Lloyd Coward
Ronald Repasi
Ira Keltz

⁴ See 47 C.F.R. § 95.1223(a).