

September 21, 2023

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

Re: WP Docket No. 07-100¹
***Ex Parte* Letter**

Dear Ms. Dortch:

The undersigned parties (“4.9 GHz Coalition”) represent public safety, critical infrastructure, and enterprise entities that share the Federal Communications Commission (“FCC”) goal of accelerating more intensive utilization of this valuable spectrum. They support the FCC’s decision to vest centralized management of the 4.9 GHz band in a national band manager, but remain concerned that the multi-step process proposed for selecting that entity will result in further delays to that objective.² The continued work of the 4.9 GHz Coalition has produced tangible results as noted below that, if adopted, would significantly accelerate the timeline for promoting the full potential of the 4.9 GHz band. It also has revealed that including the non-public safety Frequency Advisory Committee (“FAC”) members of the 4.9 GHz Coalition would advance its goals and those of the FCC.

The 4.9 GHz Coalition previously recommended designation of the four FCC-certified public safety FACs (“PS FACs”) to serve as the national band manager. The PS FACs satisfy all criteria specified by the FCC: they have established relationships with and the confidence of the public safety community; they are fully familiar with the FCC rules and leasing processes, with the development of band plans and with the FCC’s Universal Licensing System that will need to be populated with technical data under newly adopted rules; they have decades of experience in coordinating new and modified fixed and mobile public safety systems while protecting incumbent operations; and they have established procedures for coordinating public safety systems collaboratively. All PS FACs participate in the Public Safety Communications Council (“PSCC”) that develops protocols for coordinating public safety systems in a variety of bands.

Since making that recommendation, the 4.9 GHz Coalition has continued to collaborate in developing the organization that would undertake national band manager responsibilities. The framework for that entity has been drafted by the 4.9 GHz Coalition and could be implemented in

¹ *Amendment of Part 90 of the Commission’s Rules*, Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking, WT Docket No. 07-100, 4.9 G FCC 23-3 (2023) (7th R&O).

² Awarding the FirstNet Authority (“FirstNet”) a nationwide 4.9 GHz license and the right to select the 4.9 GHz band manager as urged by the Public Safety Spectrum Alliance (“PSSA”) has all the infirmities detailed in the 4.9 GHz Coalition’s July 21, 2023, *ex parte* filing in this proceeding. It unquestionably would elicit legal challenges and the attendant delays.

short order.³ Three of the public safety coordinators have already worked together to develop a set of coordination protocols for 4.9 GHz. They are ready to begin coordinating 4.9 GHz if that is the decision of the FCC. The protocols will be shared among all PS FACs through the PSCC if the FCC designates them collectively as the band manager or individually as frequency coordinators.

This collaborative work has demonstrated that the non-public safety FAC members of the 4.9 GHz Coalition may provide valuable technical spectrum management expertise and support in that undertaking and, as such, should be part of the national band manager organization. These FACs represent the critical infrastructure and other major enterprise entities most likely to seek authority to deploy broadband 4.9 GHz systems pursuant to leases or other arrangements approved by the FCC. Public safety use of the band would retain its primary status, while the involvement of non-public safety FACs would strengthen the organization and support the FCC's dual goals of promoting more intensive use of this band and introducing a wide variety of technologies.

The 4.9 GHz Coalition, as a cooperative collection of experts, believes that it can maximize efficiencies in accordance with FCC objectives. Our unique composition of users and managers brings experience and trust to this critical endeavor. The 4.9 GHz Coalition is working with its members and others in the industry to ensure that management of this band will be fair and transparent.

The 4.9 GHz Coalition looks forward to discussing its plans for the management and further development of the 4.9 GHz band with the Public Safety and Homeland Security Bureau and other interested FCC persons in the near-term future.

Respectfully submitted,

Suzanne Lemieux
Director, Operations Security &
Emergency Response Policy
American Petroleum Institute

Robin J. Cohen
President/CEO
Enterprise Wireless Alliance

Ralph Haller
Executive Director
Forestry Conservation Communications Association

³ Letter from 4.9 GHz Coalition, WP Docket No. 07-100 (dated August 25, 2022).

Wendy Jeffres
National Frequency Coordinator
International Municipal Signal Association

Jonathan Thompson
Executive Director and CEO
National Sheriffs' Association

Brett Kilbourne
Senior Vice President Policy and
General Counsel
Utilities Technology Council

cc:

Joel Taubenblatt
Tom Eng
John Evanoff
David Furth
Brian Marengo
Renee Roland
Jon Markman
Susan Mort
Roger Noel