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COMMITTEE ON
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CONSERVATION COMMISSION

Congress of the United States
House of Representatives
Washington, DC 20515-2215
July 9, 2013

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The Honorable Mignon Clyburn
Acting Chairwoman
U.S. Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Acting Chairwoman Clyburn:

I write concerning the Commission's mandate under section 6406 of the Middle Class Relief and Job Creation Act of 2012 ("the Act"). As you are aware, that section authorizes the Commission to commence a proceeding to modify Part 15 of title 47, Code of Federal Regulations, to allow Unlicensed National Information Infrastructure (U-NII) devices to operate in the 5350-5470 Megahertz band. I understand that the Commission also is considering revising its rules to allow U-NII devices to operate in the 5850-5925 Megahertz band. In your deliberations, I urge the Commission not to take any actions to allow U-NII devices to operate in the 5850-5925 Megahertz band unless and until the National Telecommunications and Information Administration (NTIA) has determined that the operation of such devices will not cause interference to intelligent transportation systems (ITS) in that band.

The U.S. Department of Transportation and automobile industry have made substantial investments for well over a decade in developing ITS that will be deployed within the 5850-5925 Megahertz band. These are systems critical to safety, including vehicle-to-vehicle and vehicle-to-infrastructure communications, that have the potential to eliminate up to 80 percent of non-impaired crashes each year. It is my understanding that this band could also be used for unlicensed wireless broadband, which, as we have seen, is a significant driver of economic and technological growth. I wish to ensure that Americans drive safer vehicles and enjoy the benefits of wireless growth at the same time. Consequently, I believe that before U-NII devices are allowed to operate in the 5850-5925 Megahertz band, the Commission must ensure such devices will not interfere with ITS.

At the June 27, 2013, Energy and Commerce Subcommittee on Communications and Technology hearing about federal spectrum use, I inquired of Mr. Karl Nebbia, Associate Administrator of the Office of Spectrum Management at NTIA, whether it would be premature for the Commission to authorize the use of U-NII devices in the 5850-5925 Megahertz band before studies are completed and also confirm such devices will not interfere with ITS or that strategies to mitigate such risk sufficiently are available. Nebbia responded in the affirmative. Nebbia further responded in the affirmative when queried if NTIA will recommend to the Commission that it make the 5850-5925 Megahertz band available for use by unlicensed devices

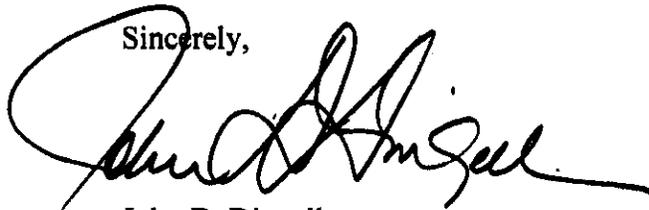
only when and if NTIA is satisfied that unlicensed services can share the spectrum with ITS without interference.

Given the concerns I have expressed above, as well as Mr. Nebbia's responses to my questions, please respond in writing no later than July 15, 2013, indicating whether the Commission will revise its rules to permit unlicensed U-NII devices to operate in the 5850-5925 Megahertz band prior to completion of a study by NTIA confirming that the operation of U-NII devices in the 5850-5925 Megahertz band will not cause interference to ITS devices in the band. I have secured the unanimous consent of the Energy and Commerce Subcommittee on Communications and Technology to include this letter and your response to it in the record of the Subcommittee's June 27, 2013, hearing titled, "Equipping Carriers and Agencies in the Wireless Era." Consequently, I would be grateful for your timely response to this inquiry.

Thank you for your kind attention to this matter. Should you require additional information, please feel free to be in touch with me directly or have a member of staff contact Andrew Woelfling in my office at 202-225-4071.

With every good wish,

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell", written in a cursive style.

John D. Dingell
Member of Congress

cc: The Honorable Anthony Foxx, Secretary
U.S. Department of Transportation

The Honorable David Strickland, Administrator
National Highway Traffic Safety Administration

The Honorable Lawrence Strickling, Administrator
National Telecommunications and Information Administration