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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

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DAVID SCHWETERT, STAFF DIRECTOR
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September 9, 2015

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

The Honorable Penny Pritzker
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Secretary Foxx, Secretary Pritzker, and Chairman Wheeler:

As members of the U.S. Senate Committee on Commerce, Science, and Transportation, we are dedicated to making spectrum available for private sector deployment and promoting efforts to increase safety on our nation's roadways. The demand for spectrum resources continues to expand, requiring the federal government to work harder to find ways to utilize limited spectrum resources more effectively and efficiently. At the same time, new technologies hold tremendous promise for improving vehicle safety and significantly reducing the number of fatalities.

The Federal Communications Commission (FCC) has allocated the 5.850-5.925 GHz band for Dedicated Short Range Communications (DSRC) uses such as vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communication. The FCC permits Intelligent Transportation Systems (ITS) to operate in this band for automotive safety and efficiency purposes. The *Middle Class Tax Relief and Job Creation Act of 2012* directed the National Telecommunications and Information Administration to study the possibility of allowing unlicensed operations to operate in the 5.9 GHz band. There currently is a pending proceeding where the FCC is considering permitting unlicensed technologies such as Wi-Fi to share this spectrum, so long as these technologies do not cause harmful interference to incumbent systems.

We are committed to finding the best path forward to protect the development and deployment of advanced automotive safety systems while also considering the need for additional unlicensed spectrum to meet the increasing demand for wireless broadband Internet services. There is broad support from interested parties, including the undersigned, for conducting tests that are fairly administered and can determine whether various sharing proposals do or do not cause harmful interference to incumbents, including primary incumbent satellite services operating in the 5.9 GHz band. Therefore, we strongly encourage your respective agencies to work together to facilitate testing that is built on the following principles and goals:

- The FCC, in close coordination with the Department of Transportation (DOT) and Department of Commerce (DOC), should take the lead to ensure that requisite spectrum testing and modelling is conducted so the government has all the information it needs to determine how best to proceed in terms of interference-avoidance and allocation of spectrum use rights in the 5.9 GHz band. DOT should continue to take the lead, in close coordination with the FCC and DOC, with respect to overseeing the development of 5.9 GHz DSRC technology, vehicle safety testing, and 5.9 GHz DSRC capabilities testing.
- With respect to its spectrum allocation and interference-avoidance analysis in the 5.9 GHz band, the FCC should take input from all relevant public and private sector stakeholders, including but not limited to DOT, DOC, the satellite industry, the ITS industry, the automobile industry, the telecommunications industry, and the Wi-Fi industry.
- Engineers should be responsible for the 5.9 GHz interference testing and for addressing 5.9 GHz compatibility issues.
- The testing should examine all reasonable options and mechanisms for sharing in the 5.9 GHz band and for the avoidance of harmful interference from unlicensed to authorized users and licensees in the 5.9 GHz band.
- The testing of various 5.9 GHz unlicensed sharing proposals should be conducted in a way that allows test proposals, results, and underlying data to be meaningfully compared and evaluated. Public and private participants in 5.9 GHz interference testing should coordinate with the FCC on their proposals.
- If a private sector party wants its 5.9 GHz unlicensed sharing proposal to be considered, the burden is on it to develop and present the proposal with sufficient specificity for consideration and testing and to make relevant test equipment and prototype devices available for testing. Similarly, DSRC devices to be protected should be made available for testing against unlicensed proposals.
- The FCC is free to foster or propose its own options for consideration, consistent with existing law.

- To the extent feasible, and with confidentiality mechanisms in place to protect trade secrets and commercially sensitive information if necessary, results and underlying data from any testing of 5.9 GHz unlicensed sharing proposals to be considered by the FCC should be made available to the public by placing such information in the FCC's open docket; the data and results from tests of DSRC systems cited in comments filed with the FCC or conducted previously using federal funds and resources should also be published, where feasible.
- To the extent practicable, 5.9 GHz interference testing should be completed by December 31, 2016.

We understand a broad coalition of automakers, unlicensed spectrum advocates, and technology companies also submitted a letter today that endorses these principles and goals. We commend their efforts on this issue.

Thank you for your continued efforts to responsibly manage the nation's spectrum resources and promote safety on America's roads. We look forward to working closely with you as this matter moves forward.

Sincerely,



JOHN THUNE
Chairman



MARCO RUBIO
U.S. Senator



CORY A. BOOKER
U.S. Senator