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FCC Mailroom

Congress of the United States
House of Representatives
Washington, DC 20515-0305

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December 20, 2018

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

We applaud your leadership and service at the Federal Communications Commission (FCC). We appreciate your commitment to finding solutions that are best for consumers, innovators, and the economy. The Commission's efforts to increase the availability of spectrum – in this instance unlicensed spectrum – so that American innovators and entrepreneurs can continue to provide services to consumers and grow the economy has come to our attention.

In 1999 the FCC made a flawed decision that has resulted in the underutilization of a broad swath of valuable mid-range spectrum for nearly twenty years – adopting a technology-specific allocation of the 5.9 GHz band in favor of “Dedicated Short-Range Communications” (or “DSRC”). The assessment of future market needs by the then-Commission did not produce the expected results for consumers. This left a valuable band of spectrum fallow while other more effective and efficient automotive safety technologies sped past the government's costly bet on DSRC and our economy's reliance on unlicensed spectrum increased. As such, and given the current evolution of automotive safety solutions, we respectfully ask the Commission to accelerate its work by moving forward with the 5.9 GHz proceeding to permit unlicensed operations in the 5.9 GHz band.

The 5.9 GHz band is the best near-term opportunity to fill the accelerating need for unlicensed spectrum and represents an essential step to advance to 5G and the next generation of broadband. It is positioned directly adjacent to the existing unlicensed 5 GHz band and could be brought online quickly to meet the growing spectrum needs of American consumers and businesses. In fact, a recent economic study by RAND Corporation found that the 5.9 GHz band's annual potential contribution to U.S. gross domestic product ranges from \$59.8 billion to \$105.8 billion, and opening the band for unlicensed spectrum like WiFi could provide gains of \$82.2 billion to \$189.9 billion.

The 5.9 GHz band is largely unused today. The Commission originally reserved the band specifically for DSRC in hopes that exclusive spectrum access would spur innovation in auto safety technologies; however, DSRC has proven to be a market failure. In the twenty years since the DSRC allocation, only one car on the road today uses the technology (a high-end GM Cadillac ITS, with the next not expected until 2023).

While the restrictions on the 5.9 GHz band have endured, innovation in alternative vehicle safety technologies has flourished outside the 5.9 GHz band, some not using spectrum at all. Automatic braking, blind-spot detection, drowsiness detection, and others, using more sophisticated crash avoidance radars, lasers, cameras and sensors (all of which do not use DSRC or 5.9 GHz spectrum), are almost standard-issue in cars today, demonstrating that the marketplace has moved beyond DSRC, and that technology-specific spectrum policy does not work. In short, the market worked while the government's spectrum carve did not.

Finally, maintaining free and exclusive spectrum access for particular auto technologies is a tremendous subsidy that puts a thumb on the scale for certain companies while depriving American consumers and businesses of much needed unlicensed spectrum to support Gigabit WiFi, 5G, and hundreds of billions of dollars in economic growth. We believe such a subsidy distorts broader communications technology markets that already support automotive safety and commercial products and will again lead to underutilized spectrum and stifled innovation.

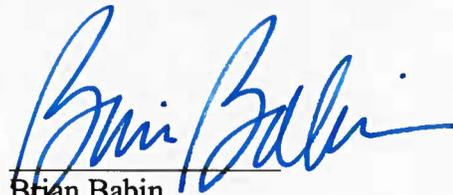
We commend the Commission for responding to the shifting auto technology trends by expanding vehicular radar spectrum from 76-77 GHz up to 81 GHz to promote continued innovation in new and existing commercial and safety vehicle technologies. We hope the Commission will take a similar approach to meet accelerating demand for unlicensed spectrum such as WiFi by expanding unlicensed spectrum operations into the 5.9 GHz band.

We can no longer afford to let 75 MHz of spectrum sit unused. It's time to correct a flawed FCC decision from an era long past, and make sure to not repeat the same mistake of betting on particular technologies in an era of constant innovation. Accordingly, we urge the Commission to move forward with its 5.9 GHz proceeding and enable access to unlicensed technologies.

Sincerely,



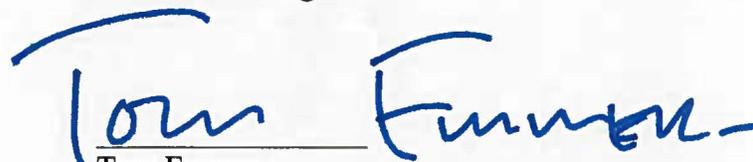
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