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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

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June 14, 2019

Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Pai:

Electricity is delivered to more than 300 million Americans every day, providing us with opportunities that surpass those of any other nation in history. Without electricity, our lives grind to a halt, and even our very survival can be at risk. Given the critical nature of electrical service, it is no accident that the law recognizes the special status of electric utilities.

Since the attacks of September 11, 2001, the electric industry, together with regulators at the Federal Energy Regulatory Commission (FERC), have allocated substantial resources to improving the resiliency of our power grid to attack. As an economic regulator, FERC is in the unique position of being able to balance the need for affordable energy against the need to have that energy both available and secure. FERC's 40-year policy of promoting competition and liberalizing energy markets has thus been balanced against threats which might come from weather, cyberattack, or even physical attack.

The Senate has likewise recognized the importance of ensuring the security of our energy infrastructure. On October 11, 2018, the Senate Committee on Energy and Natural Resources held a hearing on blackstart, which is the process for returning energy to the power grid after a system-wide blackout, and other system restoration plans in the electric utility industry. At that hearing, the Committee received testimony explaining how the power grid cannot restart unless it has adequate means to communicate, and that the adequacy of this communication can directly depend on actions taken by the Federal Communications Commission (FCC).

At the hearing, it became clear that the FCC could be doing more to protect communications within our power grid. The communication assets installed on the power grid are designed to ensure reliability in a system where electrical energy moves at the speed of light. By necessity, the electric industry must move cautiously when considering how changes could impact this infrastructure.

The FCC's proposal to further open the 6 GHz part of the radio spectrum certainly seems to be a case where the electric industry will be the critical path which determines when and how the FCC can act. While I understand that the FCC has been considering mitigation measures,

those measures must be acceptable not only to FERC, but must also be adequately tested and proven by the owners and operators of electric infrastructure.

In my home state of Alaska, operators of telecom infrastructure are already forced to deal with interference in the 6 GHz spectrum on an intermittent basis, probably related to cruise ships and their satellite communications. This interference could be amplified by our northern latitude, which means that many satellite signals are transmitted at a low angle. Such interference can be costly to track down, and very expensive to fix, so I do not see how an expansion of access to this spectrum will benefit Alaska.

I have a number of questions regarding the FCC's proposal:

1. How does the FCC ensure that it has been considering the impact of its 6 GHz initiative on the critical needs of the electric industry?
2. How does that relate to serving the FCC's "purpose of the national defense [and] the purpose of promoting safety of life and property?"
3. How many people at FCC are now assigned to work on ensuring that the power grid will be secure? Are they allocating their efforts on a full time basis
4. How often have FCC staff met face-to-face with staff at FERC on this topic?
5. Has staff at FCC been assigned to any of the ongoing work on grid communication taking place at the North American Electric Reliability Corporation?
6. Has FCC staff worked with researchers at the Electric Power Research Institute?
7. How many individuals on FCC staff have visited electric utilities to review their communication networks, and how many hours has FCC staff allocated to these visits?
8. Is it comparable to the amount of time that staff at FERC has allocated to ensuring the reliability of communications on the power grid?
9. Because this issue goes to the heart of the public safety obligation of both FERC and FCC, how often have Commissioners at FCC met individually with Commissioners at FERC?
10. Are you expected to hold any joint meetings for the public on this matter? To what extent should the public be confident that the FCC is aggressively pursuing this matter with FERC?

Your timely response to these questions will help the Senate better understand the FCC's proposal. As you move forward, it is important to recognize that electricity service in a region cannot be compromised in an effort to make 6 GHz more broadly available.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Murkowski", with a stylized, flowing script.

Lisa Murkowski
United States Senator

cc: Honorable Neil Chatterjee, Chairman, FERC
Honorable Cheryl A. LaFleur, FERC
Honorable Richard Glick, FERC
Honorable Bernard L. McNamee, FERC
Honorable Michael O'Rielly
Honorable Brendan Carr
Honorable Jessica Rosenworcel
Honorable Geoffrey Starks