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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED SIXTEENTH CONGRESS

May 7, 2020

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Mr. Geoffrey Starks, Commissioner  
Mr. Brendan Carr, Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

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Re: Ligado proceedings DA/FCC-20, IB Docket No. 11-109 and IB Docket No. 12-340

Dear Commissioners,

We write to you to express our deep concern with the commission’s approval of the subject proceeding. The national security community was unanimous in the judgement that approval of the use of certain portions of the L band spectrum could pose an unacceptable risk to the use of the Global Positioning System (GPS) in the United States. In addition, other federal and nonfederal users of this spectrum have raised serious concerns, including satellite communications providers and airlines.

Section 1698 of the National Defense Authorization Act for Fiscal Year 2017 prevents the commission from approving commercial terrestrial operations in these bands until 90 days after the commission resolves concerns of widespread harmful interference by such operations to covered GPS devices. We are concerned that your approval of any mitigation efforts not rigorously tested and approved by national security technical experts may be inconsistent with the legislative direction to resolve concerns prior to permitting commercial terrestrial operations. We urge the commission to reconsider and impose additional mitigation steps to address the concerns of these users.

While we understand the applicant argues<sup>1</sup> that the Department of Defense’s (DoD) assessment of harmful interference is not based on any testing data, we want to ensure that the commissioners have independently confirmed this assertion with a classified briefing on the

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<sup>1</sup> See letter from Gerard J. Waldron, Counsel to Ligado Networks LLC to Marlene Dortch, Secretary, Re: Notice of Ex Parte Presentation, IB Docket No. 11-109, 12-340; IBFS File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT- MOD-20151231-00091, SAT-AMD-20180531-00045, SAT-AMD-20180531- 00044, SES-AMD-20180531-00856 Filed April 12, 2020

testing done by DoD in conjunction with DOT's Adjacent Band Compatibility Testing<sup>2</sup> referenced in the applicant's response. It is essential that the commissioners understand the full implications when making a decision of this magnitude.

We share the goal of maximizing the shared use of spectrum for national security and the economic prosperity of the American people. The technological advances and economic opportunities of 5G technologies are exciting. However, we note that no other country is pursuing the use of this portion of the spectrum for 5G, and there are substantial doubts about the technical feasibility of doing so. Our committee is actively seeking solutions that will facilitate and direct DoD to share as much spectrum as possible for commercial use, but the nation faces threats that will require DoD to continue to use parts of the spectrum needed for 5G. We must be able to develop solutions that provide for the defense of the nation, and unleash the economic potential of 5G. However, the concerns of national security experts must inform our efforts in advance of our shared goal of safety and economic prosperity.

We ask for a response from each of you to the following questions no later than 7 days after the receipt of this letter:

- Please provide copies of the legal analysis that led the commissioners to their determination despite the unanimous concerns of the national security community, and whether that decision is consistent with the FY17 NDAA requirement to resolve concerns of widespread interference with GPS devices prior to permitting the commercial use of this spectrum.
- Did each commissioner receive a briefing from the Department of Defense on the classified test data contained in the classified report of DoD testing to accompany the Department of Transportation Adjacent Band Compatibility Assessment from April of 2018?
- For Commissioners Rosenworcel and Starks, you issued a joint statement of concurrence, indicating a less than full endorsement of the approval and said the decision was a close call. Do you believe the concerns of the national security community were adequately addressed? Additionally, you expressed concern about the spectrum decision making process. Were there any specific aspects of this decision that concerned you?

Sincerely,



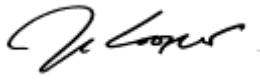
Adam Smith  
Chairman



William "Mac" Thornberry  
Ranking Member

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<sup>2</sup> See Global Positioning System (GPS) Adjacent Band Compatibility Assessment, Final Report, U.S. DEP'T OF TRANSP. (Apr. 2018).



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Chairman  
Subcommittee on Strategic Forces



Michael R. Turner  
Ranking Member  
Subcommittee on Strategic Forces



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Emerging Threats, and Capabilities



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