

JOHN THUNE, SOUTH DAKOTA
ROY BLUNT, MISSOURI
TED CRUZ, TEXAS
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
DAN SULLIVAN, ALASKA
CORY GARDNER, COLORADO
MARSHA BLACKBURN, TENNESSEE
SHELLEY MOORE CAPITO, WEST VIRGINIA
MIKE LEE, UTAH
RON JOHNSON, WISCONSIN
TODD YOUNG, INDIANA
RICK SCOTT, FLORIDA

MARIA CANTWELL, WASHINGTON
AMY KLOBUCHAR, MINNESOTA
RICHARD BLUMENTHAL, CONNECTICUT
BRIAN SCHATZ, HAWAII
EDWARD MARKEY, MASSACHUSETTS
TOM UDALL, NEW MEXICO
GARY PETERS, MICHIGAN
TAMMY BALDWIN, WISCONSIN
TAMMY DUCKWORTH, ILLINOIS
JON TESTER, MONTANA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

924

JOHN KEAST, STAFF DIRECTOR
DAVID STRICKLAND, DEMOCRATIC STAFF DIRECTOR

November 17, 2020

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

Dear Chairman Pai,

In 1999, the Federal Communications Commission (FCC) designated the 5.9 GHz band for transportation safety critical communications. After decades of public and private investment in safety technologies utilizing this band that could prevent as many as 80 percent of vehicle crashes, thousands of vehicles are currently on the road using this technology.

The FCC's plan to open up the 5.9 GHz band to unlicensed use has generated significant controversy, and the plan you put forward for the future of this band in January 2020 proposed a novel approach to how the band would be put to use. While I recognize that demand for wireless spectrum is only growing, the FCC's public interest obligation demands that the FCC take the necessary time to ensure that its spectrum allocation actions do not compromise safety and the greater public welfare.

I am concerned that the FCC's draft Report and Order released on October 28, 2020 as part of the proposed agenda for the November Open Meeting does not adequately address the myriad issues raised by stakeholders, especially those raised by other federal agencies like the Department of Transportation. Federal spectrum policy is stronger and more sustainable when it is the result of cooperative decision-making and based on sound science and testing. I urge you to work with the Department of Transportation and affected stakeholders to resolve their concerns before finalizing a rule that could have a significant and harmful impact on transportation safety.

Further, with the upcoming change in Administration and FCC leadership, your agency should not move forward on complex and controversial items in which the new Congress and new Administration will have an interest. In November 2016, you welcomed Congressional calls to halt action on such controversial items during the transition period to the present administration, and called on then-Chairman Thomas Wheeler to withdraw major items from the FCC's

November meeting agenda.¹ As Chairman, you should follow suit and halt action on major and controversial items on the November Open Meeting agenda, including your proposal for the future of the 5.9 GHz band.

Sincerely,



Maria Cantwell
Ranking Member

¹ Federal Communications Commission, Statement of Ajit Pai on Congress's Call to Stop Controversial Votes During the Transition (Nov. 15, 2016), <https://www.fcc.gov/document/commissioner-pai-statement-congresss-call-halt-further-action>.