

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Use of the 5.850-5.925 GHz Band*, ET Docket No. 19-308.

There are not enough words to express how pleased I am that we have finally started a proceeding to consider the future of the 5.9 GHz band. After many years of waiting and many twists and turns, this is a great victory for the American people and serves as recognition that sound spectrum policy can triumph over stale rhetoric.

The fact is that two decades have passed since this band was designated for Dedicated Short Range Communications systems, commonly referred to as DSRC, and this spectrum still remains – at least by any rational person's estimation – highly underutilized. For 20 years, the Commission has awaited the great promise of vehicular safety DSRC apps to materialize, but what we have actually received are a few localized systems and limited equipment in a discontinued car line. I think it is safe to conclude that this is not a success story by any measure.

I am in full agreement with the proposal to reallocate 45 megahertz for unlicensed use and 30 megahertz for vehicular safety systems. In fact, the Chairman's proposal is nearly identical to an idea that I discussed publicly and pushed for adoption years ago, as it was consistent with one of the competing industry proposals at the time. It still is the most logical path forward for this band. In particular, it effectively solves the interference issue by splitting the band into two, preserving an exclusive portion dedicated to automobile safety. The lower part of 5.9 GHz is prime spectrum – adjacent to the 5 GHz spectrum that is the Wi-Fi workhorse – and is the obvious and ideal choice, along with 6 GHz, for the much-needed expansion of unlicensed opportunities. And, I won't repeat now the multitude of consumer benefits from bringing forth new unlicensed spectrum, which Commissioner Rosenworcel and I have talked about many times. Suffice it to say, 45 megahertz will be used by the active unlicensed community to bring amazing technological innovations and capabilities forward, far exceeding anything we can imagine today.

I firmly agree that 30 megahertz should provide ample spectrum for vehicular safety applications, be it C-V2X, DSRC, or both, especially if you talk to the engineers and examine the similar efforts occurring internationally. To be clear, I would have preferred a more technology neutral approach over proposing to allocate certain portions of the remaining band for a specific technology, but it will at least work for this stage of the process. Regardless of how these 30 megahertz are, or are not, divvied up between the old DSRC technology and the emerging C-V2X, which appears to have surpassed DSRC in both functionality and popularity, many of the offerings that were originally planned for 5.9 GHz are already being provided using other spectrum bands. Remember that the Commission has supplied the automobile industry with spectrum to support their radar and lidar systems that are used for crash avoidance, and autonomous driving vehicle technologies have been developing using other frequencies. Nonetheless, newer 5.9 GHz systems may be able to address one glaring need: helping to alert drivers and thus prevent accidents when there is no line of sight. For instance, this is critically important when two cars approach an intersection from two different directions and cannot "see" each other because they are blocked by a building. To the extent that these systems can be deployed to save lives, this 30-megahertz of spectrum could be very well-utilized.

I thank my colleagues for agreeing to my edits to propose a clarification that this band be used to provide safety services. Under no circumstances should we provide valuable spectrum resources in this critical location for any offerings that are not safety related, that are commercially available, or that are offered using other spectrum. Given all the safety rhetoric expended on this issue, I dare anyone to claim that this 30-megahertz block should be used for anything other than safety of life.

Further, I appreciate the addition of a question about steps the Commission can take to assure that these safety applications are actually deployed. If these systems are as important as some in the automobile industry assert, and I have seen demonstrations that certainly show C-V2X as promising, they

should be deployed with all due haste. We should not have to wait another 20 years with little progress along the way. And, if these safety applications do not develop, we shouldn't take another 20 years to further reevaluate and reallocate the band either.

Some may try to say that the Commission is taking spectrum away from the automobile industry, which will lead to increased auto fatalities, or that we are putting vehicular safety in jeopardy. Or, that we are doing horrible things just to enable faster Internet connections, sharing Facebook timelines, or posting Instagram pics. That is pure gibberish. Everyone on this dais wants our families, friends, neighbors, and countrymen and women to be safe when traveling in motor vehicles, but DSRC has not come anywhere close to fruition. As this NPRM contemplates, we can simultaneously pursue both auto safety and unlicensed innovation. It's one reason the bulk of automobile manufacturers have come to recognize the wisdom and forward thinking of this item.

Another round of attack will likely come from those who argue that, if a portion of 5.9 spectrum is lost, there will never be any more auto safety spectrum in the future. Again, this is false. To the extent there is a demonstratable spectrum need in the future for auto safety, the Commission likely will give it full consideration. And, we have a track record to prove it: this Commission did exactly that with regards to vehicle radars just a few years ago.

Moreover, even if – and that is an exceptionally big if – it is still a viable technology, DSRC has moved beyond the standard that is codified in our rules, so we must act to complete an update for *any* deployment to occur. Without this proceeding, there is no DSRC, no C-V2X, no unlicensed, and maybe most importantly, no certainty for any investment in this band. Period.

For all these reasons, I thank the Chairman for moving this notice. I look forward to continuing to engage with interested parties on this matter and to going to a final order as soon as possible so that this band can finally be utilized efficiently. We must not wait or be delayed further in getting this done.

I approve.