

DEBBIE DINGELL
12TH DISTRICT, MICHIGAN

116 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4071

HOUSE COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEES ON
HEALTH
ENVIRONMENT AND CLIMATE CHANGE
COMMUNICATIONS AND TECHNOLOGY
CONSUMER PROTECTION AND COMMERCE

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEES ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
OVERSIGHT AND INVESTIGATIONS

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

DISTRICT OFFICE:

19855 WEST OUTER DRIVE
SUITE 103-E
DEARBORN, MI 48124
(313) 278-2936

301 WEST MICHIGAN AVENUE
SUITE 400
YPSILANTI, MI 48197
(734) 481-1100

WEBSITE: DEBBIEDINGELL.HOUSE.GOV

December 11, 2019

Ajit Pai
Chairman
Federal Communications Commission
445 12th St SW
Washington, DC 20554

Chairman Pai,

Recently you released a draft Notice of Proposed Rulemaking (NRPM) for the 5.9 GHz band, which proposes to allocate a majority of the band to unlicensed WiFi while constricting the spectrum available to life-saving transportation safety applications. This proposal raises a number of questions and concerns for me and I would like to understand your rationale for this proposal.

Uncertainty about the future of this band has, for years, undercut the auto sector's ability to make investment decisions. Other automakers are eager to make use of this spectrum but remain bound by existing rules. To that end, I am appreciative that the FCC has recognized the contribution that CV2X could make to automotive safety and the allocation of 20 MHz that you propose for it. We can all agree the band requires a fresh approach but one that is designed to unlock – rather than hinder – transportation safety applications that will benefit human health, safety, the environment and economy.

A constant refrain from those who wish to have access to this band is that it remains “fallow,” or unused. You have echoed these sentiments in recent statements, as well as testimony before the Committee on Energy and Commerce. It is of great concern, therefore, to hear from my Governor's office, that the Michigan Department of Transportation has 120 applications for licensure for new technology that uses this spectrum pending before the FCC. I have also learned that Michigan is not the only state waiting on FCC action. There are approximately 500 such applications pending before the Commission – just for the 5.9 spectrum.

Department of Transportation Secretary Chao also wrote the Commission a letter in which she states that it is, “the Department's view is that the NPRM, and the substantial shift in direction that it represents, is insufficiently grounded.” She added “it is DOT's view that the proposal should be withheld from public issuance.” In light of the information about pending applications – among other concerns with the draft proposal – I appreciate her concerns.

The FCC may believe WiFi innovation is more valuable to our nation than the \$800 Billion in annual societal impacts from vehicle accidents and fatalities, as well the annual \$140 billion cost of congestion. I, however, believe we should embrace and encourage, rather than constrain, the potential of automotive connectivity. To assist me in better understanding the approach that the FCC is potentially taking to reallocate the 5.9 GHz spectrum, please respond to the attached list of questions as soon as possible.

I look forward to your prompt reply,

Sincerely,

A handwritten signature in blue ink that reads "Debbie Dingell". The signature is written in a cursive, flowing style.

Debbie Dingell
Member of Congress

- With regards to the 120 pending licensure applications from the State of Michigan that are waiting for FCC action, when did you receive these applications?
 - o Why has the FCC not acted on these applications?
 - o Do you intend to address these applications prior to moving forward with your NPRM?

- How many other applications for licensure of the 5.9GHz band of spectrum are currently pending at the FCC?
 - o When were these applications submitted?
 - o Why has the FCC not acted on these applications, to date?

- Prior to the existing pending applications, how long did it take for the FCC to review and approve applications for licensure of the 5.9 GHz band?

- In the draft NPRM there was no mention of potential harmful interference between unlicensed Wifi and transportation safety applications.
 - o Why did the draft NPRM make no mention or request comment on the potential for harmful interference?
 - o Did the FCC consider harmful interference between unlicensed WiFi and transportation safety applications in the proposed NPRM?
 - o Will you commit to preserving all 75 MHz for transportation safety purposes until the DOT and FCC complete technical analysis showing that there would be no harmful interference in the 5.9 GHz band?
 - o What studies or research did the FCC conduct into potential harmful interference before releasing the draft NPRM?
 - o Do you have confidence that unlicensed WiFi will not interfere with transportation safety applications without a guard band? If so, what research have you conducted to validate this conclusion?

- SAE has specified in its J2945.0 standard that at least 45 MHz and up to 80MHz are needed for current V2V, V2I and V2P communications. These spectrum amounts address typical and complex urban, suburban, rural scenarios. Why does the Commission believe that 30 MHz is sufficient spectrum for transportation applications in this country? Would the 20 MHz you even propose for CV2X be enough for its evolution to 5G in order to support a broader, more connected and autonomous mobility eco-system (not only vehicles, but bikes, scooters, pedestrians)?

- Around the world, nations are using the 5.9 GHz spectrum band for transportation safety applications. This is true in Europe, and more importantly in China. China is moving quickly to implement 5G and it is creating a pathway for 5G-enabled V2X technologies. Is the Commission concerned about China's aggressive posture on 5G and connected vehicle technologies? Does your proposal hinder the U.S. taking a global leadership position in innovation, connectivity and automation?