



Thomas A. Schatz  
*President*

February 21, 2020

Chairman Ajit Pai  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Commissioner Michael O’Rielly  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

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

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

*Re: In the matter of Use of the 5.850 – 5.925 GHz Band*

Dear Chairman Pai, Commissioners Rosenworcel, O’Rielly, Carr, and Starks,

On behalf of the more than one million members and supporters of Citizens Against Government Waste (CAGW), I submit the attached public comments to the Federal Communications Commission in reference in the matter of Use of the 5.850-5.925 GHz Band (ET Docket No. 19-138).

If you have any questions or concerns, please contact either myself or Deborah Collier at (202) 467-5300. Thank you for your consideration of our remarks.

Sincerely,

President  
Citizens Against Government Waste

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

In the matter of	)	
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Use of the 5.850 – 5.925 GHz Band	)	ET Docket No. 19-138
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Comments of  
Thomas A. Schatz  
President  
Citizens Against Government Waste

February 18, 2020

Citizens Against Government Waste (CAGW) is a private, nonprofit, nonpartisan organization representing more than one million members and supporters nationwide. CAGW’s mission is to eliminate waste, fraud, abuse, mismanagement, and inefficiency in government. Founded in 1984 by the late industrialist J. Peter Grace and syndicated columnist Jack Anderson, CAGW was established to follow up on the work of the President’s Private Sector Survey on Cost Control, also known as the Grace Commission.

On behalf of CAGW’s members and supporters, I offer the following comments in support of the Federal Communications Commission’s (FCC) Notice of Proposed Rulemaking (NPRM) to expand and enhance the use of the 5.850 – 5.925 GHz spectrum band. This NPRM is necessary to ensure that automotive safety features using new technology like cellular vehicle to everything (C-V2X) can be operated within the upper portions of the band, while allowing for much-needed expanded unlicensed capabilities in the lower portion of the band adjacent to the Unlicensed National Information Infrastructure (U-NII) 3 band (5.725-5.850 GHz), which is currently used for unlicensed purposes.

Spectrum is a vital, valuable and limited resource that allows the transmission of data from one point to another. The most recognizable uses for spectrum are for mobile communications using cell phones or Smartphones; broadcast television and radio; as well as unlicensed use that allows for wireless remotes to communicate with garage door openers; televisions and baby monitors; and to off load data from wireless carriers to Wi-Fi networks. Spectrum should not be unused or underutilized.

CAGW has long been concerned about spectrum allocated to various federal agencies not being used to its fullest potential. As technology evolves, it is wasteful for these agencies to retain their stranglehold on spectrum that could be reallocated for other purposes, including the deployment of new 5G networks, expanded unlicensed use, and new automotive safety features. The 5.9 GHz band is such an allocation and the FCC’s NPRM is properly repurposing it for

expanded unlicensed use, as well as maintaining access for V2V and C-V2X automotive safety requirements.

Because the spectrum in the 5.9 GHz band was reserved in 1999 for exclusive dedicated short-range communications (DSRC) use, automotive manufacturers have been required to file special experimental licensing applications for new technologies that have developed in the intervening years. The automotive industry has increasingly been working on developing C-V2X as a means of providing both transportation information and vehicle safety-related communications. CAGW is pleased that the FCC has reviewed the potential of this band against its current use and, with the adoption of this NPRM, will enable new technologies to evolve within the band without the need for restrictive experimental licensing applications.

As noted in the NPRM, “On November 21, 2018, the 5G Automotive Association (5GAA), an association representing many of the world’s major automotive, technology, and telecommunications companies, requested that the Commission waive the DSRC rules to allow deployment of C-V2X in the 20-megahertz channel located at the upper edge of the 5.9 GHz band (i.e., the 5.905-5.925 GHz portion of the band.)”<sup>1</sup> Automotive technology research and development cannot always wait for a federal agency to approve experimental applications or waiver requests for spectrum use.

Because DSRC continues to be used for certain applications like cross country truck platooning and toll collection, it is necessary to maintain some portion of the band for this technology. Since DSRC and C-V2X operate using two different standards, they cannot operate within the same channels. We agree with the 5G Automotive Association that there is a need for at least 20 MHz of spectrum for the development of C-V2X technologies. CAGW also agrees with the FCC in its assessment that an additional 10 MHz should be retained for the continued use of DSRC technologies for existing users of this technology, thus maintaining automotive safety applications in a total of 30 MHz in the upper portion of the 5.9 GHz band (5.895-5.925 GHz portion of the band). The total 30 MHz designation will harmonize the U.S. Intelligent Transportation Systems standards with those used globally, providing certainty and stability for manufacturers as they continue to develop automotive safety features that will utilize the designated channels within the 5.9 GHz band.

CAGW has consistently maintained that the future of 5G depends on a balanced approach to both licensed and unlicensed spectrum, which work cooperatively to build the entire 5G communications ecosystem. If the U.S. ignores the need for unlicensed spectrum, it misses an important part of the equation to achieving the benefits that 5G will bring to agriculture, education, healthcare, manufacturing, and transportation safety.

With respect to the remaining 45 MHz of the 5.9 GHz band, CAGW agrees with the FCC that the lower 45 MHz of the 5.9 GHz band (5.850-5.895 GHz), which sits adjacent to the U-NII-3 band in the 5 GHz band (5.150-5.850 GHz) should be allocated for expanded unlicensed use as proposed in the NPRM and designated as the U-NII-4 band. This will create a contiguous band of unlicensed spectrum. The expansion of unlicensed spectrum within the 5 GHz band will

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<sup>1</sup> Federal Communications Commission, “In the Matter of Use of the 5.850-5.925 GHz Band (ET Docket 19-138),” Adopted December 12, 2019, page 4, paragraph 8, [link]

provide for new opportunities to develop of technologies that will connect to the 5G network using Wi-Fi and Wi-Fi 6. CAGW encourages the FCC to continue to work with the National Telecommunications and Information Administration and the Department of Defense to examine the potential for harmful interference for devices operating within these bands to determine the out of band emission limits for the U-NII-4 band.

As the FCC notes, “Wi-Fi has become a staple in American life, and many households rely on Wi-Fi to connect to the Internet. The latest Wi-Fi standards, IEEE 802.11ac and the next generation 802.11ax (marked as “Wi-Fi 6”), promise gigabit speeds, superior performance in crowded environments, and better device battery life.”<sup>2</sup> According to NCTA, the average household has approximately 15 devices that rely on Wi-Fi. As technology evolves, that number can be expected to increase, and the FCC must be prepared to evaluate additional spectrum allocations in other bands for both unlicensed and licensed use to provide the spectrum the nation needs to move forward with deploying 5G networks and developing the devices that will come to rely on accessing these new networks.

Therefore, it is critical and in the public interest that the FCC adopts this notice of proposed rulemaking to ensure that the path to 5G continues to move forward.

Sincerely,

A handwritten signature in black ink that reads "Thomas Schatz". The signature is written in a cursive, slightly slanted style.

Thomas A. Schatz

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<sup>2</sup> Ibid., paragraph 14.