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September 11, 2020

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

Ex Parte

Re: Notice of Ex Parte Presentation, ET Docket No. 18-295

Dear Ms. Dortch:

The Utilities Technology Council (“UTC”) is providing the following ex parte notification in the above-referenced proceeding in accordance with Section 1.1206 of the Commission’s Rules. On September 9, 2020, representatives from the 6 GHz incumbent licensee stakeholders, including Matthew Agen from the American Gas Association, Suzanne Lemieux from the American Petroleum Institute, Corry Marshall from the American Public Power Association, Jeffrey Cohen, Mark Reddish and Guy Ball from APCO International, Aryeh Fishman and Rich Ward from the Edison Electric Institute, Don Root from the National Public Safety Telecommunications Council, Brian O’Hara from the National Rural Electric Cooperative Association, and Sharla Artz, David Rardin, Robert Thormeyer and the undersigned from the Utilities Technology Council met with Ron Repasi, Ira Keltz, Monisha Ghosh, Bahman Badipour, Nicholas Oros, and Navid Golshahi from the Office of Engineering and Technology. The purpose of the meeting was to discuss the Open Letter regarding the 6 GHz multi-stakeholder group that the incumbent licensee stakeholders submitted into the record of this proceeding.¹

During the meeting, the incumbent licensee stakeholders emphasized their good faith engagement and participation in the 6 GHz multi-stakeholder group, and discussed the need for the 6 GHz multi-stakeholder group to address the key issues and adopt the operating principles outlined in the Open Letter. First and foremost, the 6 GHz multi-stakeholder group should conduct interference testing, consistent with the Commission’s express intent in its Report and Order, and make available unlicensed low power indoor (LPI) devices for such testing.² Second, the 6 GHz multi-stakeholder group should also address processes and practices for promptly detecting and eliminating interference caused by standard power devices under the control of automated frequency coordination (AFC) systems, as well as interference

¹ Letter from Incumbent Licensee Stakeholders Participating in the 6 GHz Multi-Stakeholder Group Planning Meeting, July 31, 2020 in ET Docket No. 18-295 (Aug. 24, 2020)(hereinafter “Open Letter”), available at [https://ecfsapi.fcc.gov/file/10824306945665/Open%20Letter%20Regarding%20Multi-Stakeholder%20Group%20\(final\)2.pdf](https://ecfsapi.fcc.gov/file/10824306945665/Open%20Letter%20Regarding%20Multi-Stakeholder%20Group%20(final)2.pdf)

² *Id.* at 2 (stating that “[t]he multi-stakeholder group should address LPI testing, in addition to AFC implementation,” and that “LPI devices should be made available for testing,” adding that if such devices are not made available for testing, the FCC should intervene as necessary to make them available for testing.). See also *Unlicensed Use of the 6 GHz Band*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 18-295, 35 FCC Rcd 3852 (2020) at ¶177 (rel. Apr. 24, 2020)(hereinafter, “Report and Order”)(stating “it will take some time before devices can be designed, manufactured and made available to consumers” and suggesting “[d]uring this interim period” that participants “work cooperatively to develop and test devices” with a “goal of implementing any agreed-upon device-related features before unlicensed 6 GHz devices reach consumers.”)

caused by LPI devices not under the control of AFC.³ Third, the multi-stakeholder group should address the accuracy of the underlying data and the protocols for AFC, including security protocols.⁴ In addition to addressing these key issues, the 6 GHz multi-stakeholder group should adopt operating principles, such that “recommendations of the multi-stakeholder group should become binding and enforceable;” and “activities and decisions by the multi-stakeholder group should be transparent and consensus-driven.”

The incumbent licensee stakeholders emphasized that the Commission has delegated important issues for the 6 GHz multi-stakeholder group to implement, and that the Commission remains the ultimate arbiter to ensure that these issues are addressed in a meaningful way.⁵ In that regard, the incumbent licensee stakeholders questioned whether the multi-stakeholder group would conduct interference testing, let alone provide LPI devices for testing. The incumbent licensee stakeholders also expressed concerns about transparency in the process for the multi-stakeholder group’s activities and decision-making, and the need for its recommendations to be made binding on unlicensed operators, equipment manufacturers and AFC providers. The incumbent licensee stakeholders explained that there is no reason why the multi-stakeholder group should not be allowed to submit its findings and recommendations to the Commission, and that these recommendations should be considered for adoption and made enforceable by the Commission. The incumbent licensee stakeholders expressed concern that decisions should remain consensus-driven and that there should be balanced representation of the interests of incumbent stakeholders, including and especially among the co-chairs of the workstreams and the overall multi-stakeholder group. Commission has an important role in the multi-stakeholder group to oversee that these issues and processes are addressed; and the incumbent licensee stakeholders urged the Commission to provide direction on the key issues and guidance on the process, decision-making and incumbent representation in the activities of the multi-stakeholder group.

In conclusion, the incumbent licensee stakeholders reiterated their good faith intent to support the multi-stakeholder group and to promote the development of technical and practical solutions to protect incumbent licensees against interference from unlicensed operations in the 6 GHz band. They urged the Commission to actively engage with the multi-stakeholder group to ensure that the multi-stakeholder group is addressing the key issues and the participants are working collaboratively to develop substantive and effective recommendations that are binding and followed by unlicensed operators, equipment manufacturers and AFC system providers. Finally, they underscored the need for balanced representation of the interests of incumbent licensees and transparency in the process by which activities are conducted and decisions are reached. Unless the multi-stakeholder group addresses the key issues and adopts the operating principles outlined in the Open Letter, there will not be sufficient safeguards to prevent harmful interference from occurring, which could have catastrophic consequences on essential public safety, energy and water services which in turn rely on 6 GHz licensed microwave systems to support their mission critical communications.

Thank you for your help in this matter. If there are any questions concerning this matter, please

³ Open Letter at 2 (adding that the “The goal should be to prevent interference from occurring, rather than reducing the occurrence of interference to some arbitrary level and remedying instances of interference after the fact through laborious, time-consuming, and expensive methods. “))

⁴ *Id.* at 2-3 (adding that “[t]he FCC expressly stated that it expected security protocols would be considered by a multi-stakeholder group, and it is therefore appropriate and critical for it to be addressed, given the potential impact of interference to mission critical communications if these unlicensed devices or AFC systems malfunction.”), *citing* Report and Order at ¶179 (stating “we expect that the multi-stakeholder group will develop best practices and standards concerning standard-power operations (and use of the AFC system) and for indoor low-power operations,” adding that “we expect that these best practices will include such concerns as device and communication link security.”).

⁵ See *Report and Order* at ¶84 (“Regardless of the processes that stakeholders may develop for addressing interference, consistent with statute the Commission will be the final arbiter regarding cases of harmful interference.”)

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contact the undersigned.

Respectfully,

A handwritten signature in cursive script, appearing to read "Brett Kilbourne".

Brett Kilbourne

Cc: FCC participants