Utilities Technology Council™

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July 25, 2018

The Honorable Marsha Blackburn
Chairman, House Energy and
Commerce Committee Subcommittee on
Communications and Technology

The Honorable Michael Doyle
Ranking Member, House Energy and
Commerce Committee Subcommittee on
Communications and Technology

Re: July 25 Subcommittee on Communications and Technology Oversight Hearing of the Federal Communications Commission

The Utilities Technology Council (UTC) appreciates the opportunity to submit this Statement for the Record in the Subcommittee on Communications and Technology's Oversight Hearing of the Federal Communications Commission (FCC). UTC was established in 1948 and is now the global association representing energy and water utilities in their need for reliable and resilient Information and Communications Technology (ICT). Our members own and operate the infrastructure which, for more than 100 years, has delivered the energy and water services necessary to power our nation's economy and wellbeing. Nearly every level of government considers the energy and water industries as the most critical of all critical industries.

This infrastructure includes transmission towers, power lines, utility poles, and pipelines that Americans see every single day and often take for granted. What most Americans do not see are the ICT networks that underpin this massive infrastructure. These networks are essential for the day-to-day delivery of energy and water services, storm restoration, cyber and physical security, infrastructure modernization, smart cities, smart grid development, and much more.

Spectrum

The key ingredient to maintaining these ICT networks is radio frequency spectrum. Energy and water providers hold spectrum in various bands to operate mission-critical functions like Supervisory Control and Data Acquisition (SCADA) systems used to manage industrial control systems such as electric grids, protective relaying, and smart grid applications. Additionally, utility workers use mobile radio devices to communicate when repairing lines or restoring service after an outage. The inability of utility personnel to communicate in the field could have catastrophic consequences for utility employees and public safety.

The Federal Communications Commission (FCC, the Commission) is responsible for allocating commercial spectrum. Energy and water providers understand that spectrum is a finite resource, and the FCC has the task of allocating and expanding access to spectrum in ways that promote wireless deployment, but do not harm incumbent existing spectrum license holders. Given the criticality of energy and water providers to our nation's wellbeing, spectrum policies implemented by the FCC should reflect this reality. Unfortunately, historically this has not been the case.

FCC Policies

We encourage members of this Subcommittee to focus on the FCC's spectrum policies as they relate to the energy and water industries. Representative Brett Guthrie (R-KY) raised these concerns in his Questions for the Record directed to members of the FCC after this Subcommittee's October 25, 2017, oversight hearing. Rep. Guthrie recognized the criticality of electric utilities and asked FCC

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Commissioners whether they are willing to work with utility officials on ways to harden their networks. We applaud Rep. Guthrie for raising this question and encourage this Subcommittee to follow up on the responses he received. The FCC has several proceedings dealing with spectrum access, most notably in the 4.9 GHz and 6 GHz bands. We applaud the ongoing FCC inquiry into expanding access to the 4.9 GHz band to utilities and other Critical Infrastructure Industries (CII). Currently, this band is reserved for public safety, though it is lightly used. The National Public Safety Telecommunications Council (NPSTC), a coalition of public-safety entities, has proposed a plan to allow utilities and other CII to share in the 4.9 band, and we believe the time has come for this plan to become reality.

The 4.9 GHz band presents a unique opportunity for efficient spectrum usage. The nation's appetite for spectrum is only growing with the proliferation of wireless devices, yet as utilities modernize their systems and make them more resilient and nimble, their need for interference-free spectrum is growing as well. Expanding access to the 4.9 GHz band is one—but only one—avenue to partially meeting utility needs.

Separately, we are aware that the Commission plans on pursuing a rulemaking process to consider expanding the 6 GHz band. Utilities are among the many critical industries with lifeline communications systems located in the 6 GHz, which, unlike the 4.9 GHz band, is already widely used. Allowing commercial wireless users into this band could threaten the reliability of incumbent systems, likely forcing many utilities in the band to relocate—at great cost—because they cannot tolerate interference. The FCC hinted at these actions when its bureaus in early 2017 granted startup firm Higher Ground, LLC, permission to operate mobile devices in the band, disregarding the overwhelming evidence in the record that doing so could cause interference to the crucial incumbent ICT networks. Still, we are hopeful that a full rulemaking process will provide ample evidence demonstrating that access to the 6 GHz band should not be expanded.

Joint FCC-FERC Meetings

We also encourage members of this Subcommittee to consider the merits of directing the FCC to hold regular meetings with the Federal Energy Regulatory Commission, which oversees the reliability of the bulk electric power system. Joint meetings between these agencies will help build understanding surrounding the criticality of electric utilities to our nation's security, economy, and wellbeing. The energy and telecommunications industries are becoming more reliant upon each other, as telecommunications services cannot function without electricity, the reliable delivery of which is aided by wireless technologies.

Going Forward

The energy and water sectors are in the midst of profound change. New technologies could transform the relationship between customers and their electricity, gas, and water providers. Spectrum, which is already essential for day-to-day reliability, is critical to the success of grid modernization as well. The Utilities Technology Council stands ready to work with members of this Subcommittee, full Committee, full House, and any interested stakeholders going forward to help ensure the future of reliable electric, gas, and water services.

We appreciate the opportunity to submit this statement.