

September 6, 2022

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: ET Docket No. 18-295
***Ex Parte* Letter**

Dear Ms. Dortch:

Recent *ex parte* filings in this proceeding graphically illustrate that the 6 GHz Multi-Stakeholder Group (MSG) has failed to resolve some of the most fundamental issues the FCC encouraged it to address, issues that must be resolved before further actions are taken in this proceeding and before additional unlicensed 6 GHz devices are allowed in this band. One would not recognize this from the overly cheery description of the July 11, 2022 MSG Report in the August 1, 2022 filing from WISPA – *Broadband Without Boundaries* (WISPA). According to WISPA, the MSG Report “demonstrated broad consensus among stakeholders” and provided “a path forward to commercial launch in the not-too-distant future...”¹ The August 17, 2022 filing submitted jointly by a number of unlicensed proponents took a different tack. It conceded that the MSG did not reach consensus on four topics, without identifying them, and downplayed the disagreement, stating that “lack of consensus on these issues within such a diverse group is neither surprising nor a ‘brick wall’ impeding the Commission’s continued progress in this proceeding.”² Regardless of how one chooses to evaluate the work of the MSG, it is clear that it did not achieve its mission, irrespective of attempts to influence the narrative.

What truly is not surprising is that these parties are entirely dismissive of the critical importance of the areas where no consensus was reached, in addition to the areas that unlicensed proponents refused to discuss. That is because these were areas where the stakeholders attempted to, but failed to, define procedures for resolving interference from unlicensed devices to incumbent microwave facilities including matters such as how to identify interference, how to report it, and how the associated costs should be allocated among parties.

¹ Letter from Louis Peraertz, Vice President of Policy, WISPA to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 14-177 (filed Aug. 1, 2022).

² Letter from Paul Caritj, Counsel to Apple, Inc., Broadcom, Inc., Cisco Systems, Inc., Google, LLC, Hewlett Packard Enterprise, Intel Corporation, Meta Platforms, Inc., and Microsoft Corporation to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183 (filed Aug. 26, 2022).

That these were proper subject matters for the MSG is clear:

We encourage the multi-stakeholder group to address any issues it deems appropriate regarding interference detection and mitigation in the event that an incumbent licensee believes it may be experiencing harmful interference from standard-power or indoor low-power operations. These issues would include procedures and processes that could be followed if an incumbent licensee has, or potentially has, an interference complaint.³

And contrary to the Unlicensed Proponents, this failure was not because of some broad diversity among MSG participants. It was an entirely predictable disagreement between microwave incumbents that need to know how to address interference – and its costs – when it occurs and unlicensed proponents that simply want the FCC to get on with the business of allowing them access to the band with as few restrictions and obligations as possible, regardless of the risk of interference to incumbent operations.

The deficiencies of the MSG Report are described in detail in the September 1, 2022 filing by APCO International.⁴ It states, in conclusion:

Despite good-faith efforts from several of the stakeholders, the MSG was a failure. Worse, the refusal of the industry to address a variety of relevant issues – evidenced by an appendix of “Non-Consensus Items” that, in contrast to the list of topics where no consensus was reached, industry refused to even discuss – raises substantial doubt as to RLAN proponents’ willingness to render prompt assistance when public safety microwave links suffer harmful interference.⁵

The FCC should consider the accolades from unlicensed proponents about the sufficiency of the MSG Report to enable the FCC to move forward as what some Federal agencies might characterize as “lulling letters.” These are missives intended to convince the recipient that all is well when, in fact, further investigation is needed. The undersigned organizations represent a very large number of incumbent fixed users. They urge the FCC to fulfill its obligation to 6 GHz licensees by requiring adoption of the interference detection and mitigation procedures it expected the MSG to address before further action is taken in this proceeding.

³ *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 18-295, GN Docket No. 17-183, FCC Rcd 3852 (2020) at ¶ 176.

⁴ Letter from Jeffrey S. Cohen, Chief Counsel, APCO International to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, ET Docket No. 21-352 (filed Sept. 1, 2022).

⁵ *Id.* at 4.

Ms. Marlene H. Dortch

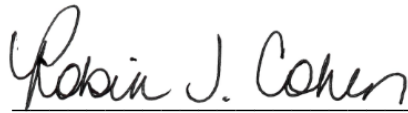
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Please feel free to contact either of the undersigned if you have any questions or comments.

Sincerely,

ENTERPRISE WIRELESS ALLIANCE



Robin J. Cohen

President/CEO

13221 Woodland Park Road, Suite 410

Herndon, VA 20171

(703) 528-5115

robin.cohen@enterprisewireless.org

EDISON ELECTRIC INSTITUTE

/s/ Aryeh B. Fishman

Aryeh B. Fishman

Associate General Counsel, Regulatory Legal Affairs

701 Pennsylvania Avenue, NW

Washington, D.C. 20004

afishman@eei.org

cc via e-mail:

Umair Javed

Ethan Lucarelli

Danielle Thumann

Shiva V. Goel

Erin Boone

Ron Repasi

Ira Keltz

Michael Ha

Nicholas Oros

Thomas Struble