



**Comments of the
Motor & Equipment Manufacturers Association (MEMA)
to the
Federal Communications Commission
RE: Notice of Proposed Rulemaking;
FCC Seeks to Enable State-of-the-Art Radar Sensors in 60 GHz Band;
Amendment of Section 15.255 of the Commission's Rules
ET Docket No. 21-264; FCC 21-83
September 20, 2021**

The Motor & Equipment Manufacturers Association (MEMA) submits these preliminary comments in response to the *Notice of Proposed Rulemaking* (NPRM) adopted by the Federal Communications Commission (FCC or Commission) to amend Section 15.255 of the Commission's Rules governing devices operating in the 60 GHz band.¹

MEMA strongly supports the FCC's efforts in this proceeding to modernize the rules for operation in 60 GHz band. Amendment of Rule 15.255 is urgently needed to allow for critical technological innovation to be introduced without unnecessary delay, while ensuring reasonable coexistence of various unlicensed technologies operating in the band. Indeed, as MEMA and others previously submitted, given the loss of the lower 45 MHz in the ITS band, it is critically important that the Commission identify and make available additional spectrum for critical safety-of-life automotive applications.²

Further, as evidenced by the numerous 60 GHz waivers recently granted by the Commission³ – including many specifically for automotive safety-of-life applications – it is clear that the Commission's current 60 GHz rules are too restrictive and prevent the introduction of devices that are clearly in the public interest and pose little risk of harmful interference. Indeed, the absence of any meaningful opposition to the numerous waiver requests indicates that the Commission can safely liberalize the technical restrictions in Rule 15.255 without delay. Accordingly, MEMA fully supports the Commission's efforts to modernize the 60 GHz rules so that

¹ *In the Matter of Amendment of Section 15.255 of the Commission's Rules, Notice of Proposed Rulemaking, ET Docket No. 21-264.*

² *See, e.g., MEMA Reply Comments at 3, ET Docket No. 19-138 (July 2, 2021), available at https://ecfsapi.fcc.gov/file/1070219885658/MEMA_Reply_Comments_FNPRM_FCC-5.9_Docket_19-138_July-02-2021.pdf.*

³ *Vayyar Imaging Ltd. Request for Waiver of Section 15.255(c)(3) of the Commission's Rules for Radars used for Interactive Motion Sensing in the frequency band 57-64 GHz, ET Docket Nos. 20-15, 20-121, 20-263, 20-264, 20-435, and 20-434, Order, DA 21-407 (OET 2021). See also, Petition of Faurecia Clarion Electronics North America regarding 47 CFR § 15.255, Letter Order, DA 21-811 (OET Jul. 9, 2021); Request by Texas Instruments Incorporated for Waiver of 47 CFR § 15.255(c)(3), Letter Order, DA 21-812 (OET Jul. 9, 2021); Request by Amazon.com Services LLC for Waiver of 47 CFR § 15.255(c)(3), Letter Order, DA 21-813 (OET Jul. 9, 2021); Request by Acconeer AB for Waiver of 47 CFR § 15.255(c)(3) rules, Letter Order, DA 21-814 (OET Jul. 9, 2021); Request by Vayyar Imaging Ltd. for Waiver of 47 CFR § 15.255 rules, Letter Order, DA 21-815 (OET Jul. 9, 2021); Request by Hyundai Mobis Co., Ltd. for Waiver of 47 CFR §§ 15.255(a)(2) & (c)(3), Letter Order, DA 21-816 (OET Jul. 9, 2021).*

MEMA members and others can introduce critical and life-saving technologies without the added cost and delay of filing “me too” waivers.

Just as importantly, and as MEMA has previously submitted, international harmonization of spectrum rules is critically important, particularly in truly global sectors like the automobile industry.⁴ Unnecessary divergence in U.S. spectrum policy from our international trading partners makes it that much more difficult for U.S. manufacturers to export our technologies. For this reason, among others, the Commission itself recognizes that it is of the utmost importance to “harmonize global spectrum management policies, to the extent practicable, by harmonizing practices among national administrations.”⁵ Accordingly, MEMA believes that any modernization of the FCC’s 60 GHz rules should be as consistent as possible with international standards now in effect or under consideration.

To that end, in the attached Appendix, MEMA outlines for the Commission a set of important clarifications related to incorrect references made in the NPRM to certain European standards. MEMA urges the Commission to review this input to provide a clearer understanding and to ensure that the distinctions about the document differences are addressed in this proceeding in order to achieve alignment with the EU framework, including the European Union’s Radio Equipment Directive (“RED”). The European Radio Regulation establishes and mandates the requirements for spectrum sharing and coexistence – for example, limiting signal power levels to ensure the operation of telecommunications equipment as intended. These mandatory Radio Regulations must be considered by ETSI when creating a harmonized standard (EN). The EN document specifies the conformance tests for the minimum set of technical requirements to place a device in the European market and to guarantee an efficient use of spectrum.

In sum, MEMA fully supports the Commission’s objectives to modernize the 60 GHz band to unleash additional life-saving technological innovation and urges the Commission to update Rule 15.255 consistent with the principles detailed above. MEMA looks forward to working with the Commission, and engaging with other stakeholders, to achieve these ends.

Respectfully submitted.

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⁴ Reply Comments of MEMA at 7-8, ET Docket No. 19-138 (Apr. 27, 2020) available at https://ecfsapi.fcc.gov/file/104271612122789/MEMA_Reply_Comments_re_FCC-5.9_Docket_19-138_DRAFT-April-27-2020_FinalFinal.pdf.

⁵ See <https://www.fcc.gov/general/best-practices-national-spectrum-management>.

APPENDIX

MEMA Urges Commission Review Important Document Clarifications

In reviewing the Commission's NPRM, MEMA notes that there are some misunderstandings regarding the European Union testing standards and "Decisions" which may be referred to as the mandatory device requirements.

The documents beginning with "***ETSI EN***" are standards describing ***how*** to test the conformance of a device and are authored by the European Telecommunications Standards Institute (ETSI). The documents containing "***EC***" or "***EU***" are the regulatory binding documents stipulating the ***minimum technical requirements*** for a device to be put into service. Stated another way, the EC document mandates the minimum technical requirements of a device while the ETSI EN document describes how to test the device to ensure it conforms to the applicable technical requirements.

In the "Background" section of the NPRM, the Commission incorrectly identifies an "ETSI standard which has been in effect since 2014" as the document which specifies the technical requirements. NPRM, ¶ 10. The document that should be referenced is (EU) 2019/1345, in which band 74a at 57-64GHz has a transmit power limit/field strength limit/power density limit of 100 mW EIRP and a maximum transmit power of 10 dBm.

There are other points throughout the NPRM where the Commission continues to reference and utilize the incorrect document(s) for drawing conclusions about the regulated parameters of devices. MEMA urges the Commission to review this input to ensure a clearer understanding and to ensure the distinctions about the document differences is addressed in this proceeding in order to achieve alignment with the EU framework. As part of this appendix, following on the next page is a table that provides further clarification as to which documents are now relevant and should be used for reference. In the documents containing the minimum technical requirements, the Annex – "***Harmonised frequency bands and technical parameters for short-range devices***" must be utilized.

Since document (EU) 2019/1345 has been implemented, a revision of the ETSI EN 305550 documents is necessary and is underway. Those revised documents are tentatively scheduled to be published in Q3 of 2022. As such, the current document, referenced by the FCC, will no longer be valid. It seems the FCC is also unaware of this change which will affect potential future harmonization opportunities.

MEMA appreciates the Commission's consideration of these important clarifications.

Here is a list of the documents under discussion:

| Document | Description | Date Created | In Force? | Note |
|-----------------------------------|---|--------------|-----------|---|
| 676/2002/EC | DECISION No 676/2002/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) | 07-Mar-2002 | Yes | Creates regulatory framework for radio spectrum policy in the EU |
| 2006/771/EC | COMMISSION DECISION of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices (notified under document number C(2006) 5304) (Text with EEA relevance) (2006/771/EC) | 09-Nov-2006 | Yes | Article 1 – The purpose of this Decision is to harmonise the frequency bands and the related technical parameters for the availability and efficient use of radio spectrum for short-range devices Article 3 – 1. Member States shall designate and make available, on a non-exclusive, non-interference and non-protected basis, the frequency bands for the types of short-range devices, subject to the specific conditions and by the implementation deadline, as laid down in the Annex to this Decision. ► Creates the Annex - Harmonised frequency bands and technical parameters for short-range devices |
| 2013/752/EU | COMMISSION IMPLEMENTING DECISION of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC | 11-Dec-2013 | Yes | Article 3 - The Annex to Decision 2006/771/EC is replaced by the text in the Annex to this Decision. ► Replaces the Annex text listed in 2006/771/EC. |
| (EU) 2019/1345 | COMMISSION IMPLEMENTING DECISION (EU) 2019/1345 of 2 August 2019 amending Decision 2006/771/EC updating harmonised technical conditions in the area of radio spectrum use for short-range devices | 02-Aug-2019 | Yes | Article 1 – Decision 2006/771/EC is amended as follows: (2) The Annex is replaced by the text in the Annex to this Decision. ► Replaces the Annex text listed in 2006/771/EC. These are the most current minimum technical requirements! |
| ETSI EN 303883-1 | Short Range Devices (SRD) and Ultra Wide Band (UWB); Part 1: Measurement techniques for transmitter requirements. [v1.2.1 from Feb-2021] | Feb-2021 | Yes | |
| ETSI EN 303883-2 | Short Range Devices (SRD) and Ultra Wide Band (UWB); Part 2: Measurement techniques for receiver requirements. [v1.2.1 from Feb-2021] | Feb-2021 | Yes | |
| ETSI EN 305550-01 | Electromagnetic compatibility and Radio spectrum Matters (ERM); Short Range Devices (SRD); Radio equipment to be used in the 40 GHz to 246 GHz frequency range; Part 1: Technical characteristics and test methods [v1.2.1 from Oct-2014] | Oct-2014 | Yes | |