Reply Comments of the
Motor & Equipment Manufacturers Association (MEMA)
to
Federal Communications Commission
RE: Use of the 5.850-5.925 GHz Band
ET Docket No. 19-138
April 27, 2020

The Motor & Equipment Manufacturers Association (MEMA) submits these reply comments in response to the Federal Communications Commission's (FCC or Commission) Notice of Proposed Rulemaking (NPRM) seeking comment on the Commission's proposal to reallocate a majority of the 5.9 GHz band to unlicensed use and away from critical connected vehicle safety technologies.

I. Introduction and Summary

The record developed in this docket overwhelmingly demonstrates that the Commission's proposals would make the 5.9 GHz band unusable for life-saving intelligent transportation system (ITS) applications because of the significant interference that would be caused by unlicensed use in adjacent bands. Remarkably, the few backers of the NPRM will not even be satisfied with this state of affairs – going so far as to indicate that the Commission's proposals will not be beneficial to them unless they can create even more harmful interference to life-saving ITS applications. As detailed below, the Commission should reverse course in this proceeding for at least the following three reasons.

First, federal and state transportation agencies, along with existing private licensees, have made significant investments developing and deploying ITS technologies, and therefore have significant reliance interests in the current 5.9 GHz band framework. Particularly in light of the Commission's decision to open 1,200 MHz of the 6 GHz band, there is no legitimate legal or factual basis to implement such a drastic policy change in the 5.9 GHz band. Indeed, as detailed more fully below, the automotive industry has committed to deploy 5 million ITS radios and devices in new vehicles over the next five years on the condition that the 75 MHz within the 5.9 GHz band is retained as is – a move MEMA supports.

Second, even if the Commission adopts the NPRM as proposed, it is a certainty that harmful interference will result to current licensees and existing ITS applications – in express violation of the Communications Act and the Commission's rules. The Commission's proposals here cannot survive judicial scrutiny.

Finally, as Commissioner Michael O'Rielly has expressly noted in indistinguishable contexts, it is incredibly important that the United States harmonize ITS spectrum allocation with its international partners. Given the concerted international effort to *increase* spectrum availability exclusively for ITS applications consistent with the existing 75 MHz in the 5.9 GHz band, the Commission should reverse course on this ground alone.

For all these reasons, MEMA respectfully urges the Commission to preserve the full 75 MHz of spectrum currently allocated to ITS.

II. The Overwhelming Majority of Stakeholders Recognize that the Commission's Proposals in the NPRM Will Jeopardize Transportation Safety and Stifle Innovation without Any Data to Justify Such a Drastic Policy Change

Opposition to the Commission's NPRM is both broad and deep. From co-equal federal agencies such as the U.S. Department of Transportation (DOT) and the National Transportation Safety Board (NTSB); to state and local departments of transportation;[1] to Members of Congress from across the political spectrum; to the National Academy of Sciences; to every major automobile manufacturer, along with the entire automotive ecosystem; to major telecommunications and technology companies like AT&T, T-Mobile, CTIA and Qualcomm; to numerous public safety and consumer protection groups – all agree that the Commission's proposals contained in the NPRM pose grave and unexamined safety risks, and will stifle the development of life-saving transportation safety applications. In short, the overwhelming majority of stakeholders in this proceeding agree that the Commission's proposals will make ITS applications unusable because of harmful interference and will eliminate spectrum already necessary to handle existing applications.

Indeed, one of the consistent themes expressed by commenters is one of alarm: given the critical role ITS technology can play to drastically reduce the tens of thousands of traffic fatalities and millions of injuries annually,[2] the Commission appears to be consciously avoiding the need to examine the consequences of its proposals or supporting it with actual data. As the NTSB posited, "it is prudent to ask whether the FCC is no longer concerned about possible interference from unlicensed devices."[3] Similarly, AASHTO rightly noted that the Commission "has not provided any analysis of the impact demonstrating that 30 MHz is sufficient for transportation safety applications, has not provided any analysis of potential interference from adjacent unlicensed operations, and has not made any provision for buffering or a guard band between the unlicensed bands and the transportation safety band."[4]

Moreover, as the DOT notes, federal, state and local governments alone have already invested billions of dollars in developing and deploying ITS technology under the Commission's current rules.[5] And not only would the Commission's proposals wipe out these significant public investments, it would actually require state and local governments to incur an additional $645 million in costs to "rip and replace" existing ITS infrastructure to comply with the NPRM's proposals, should they take effect.[6] In the midst of the economic chaos caused by the COVID-19 pandemic and plunging state and local tax receipts, the Commission's unfunded mandates give off the appearance of kicking someone while they are down.

On top of these significant costs to all levels of government, the Commission's proposals would similarly impact the substantial investments made by the private sector developing ITS applications. On April 23, MEMA applauded the Alliance for Automotive Innovation announcement that its member companies have pledged to deploy 5 million ITS radios and devices in new vehicles

[1] Indeed, as the Wyoming Department of Transportation noted, "it is rare that the CEOs of all state departments of transportation" unite behind a single position. Comments of Wyoming Department of Transportation at 3.
[2] *See*, *e.g.*, MEMA Comments at 3.
[3] NTSB Comments at 4.
[4] AASHTO Comments at 9.
[5] DOT Comments at 37.
[6] *Id.* at 37-38.

over the next five years.[7,8] This build-out commitment will be a tremendous leap forward in realizing the life-saving capabilities offered by ITS – provided the Commission does not nip this significant progress in the bud by adopting its rechannelization proposal. On top of this incredibly promising development, and despite persistent regulatory uncertainty, there has been a substantial increase in 5.9 GHz license applications in recent years, as evidenced by the fact that the Commission froze nearly 500 pending applications last December.[9] As SAFE justifiably opined in its initial comments, the "combination of these actions amounts to a self-fulfilling prophecy, wherein the FCC has stalled the implementation of DSRC by both the public and private sector, while simultaneously claiming that the 5.9 GHz spectrum is not being put to use."[10] But the record is clear that, in spite of regulatory headwinds, the automotive industry has made great strides in recent years developing ITS technology, and given the commitments noted above, is poised to deploy millions of ITS devices and applications in the immediate future.

In contrast, the few supporters of the NPRM have failed to substantiate how an additional 45 MHz of spectrum taken from ITS applications will have a significant marginal impact given the opening of the 6 GHz band. Indeed, even economic studies paid for by the Wi-Fi industry show that the overwhelming majority – 85 percent – of anticipated economic benefits will result from opening the 6 GHz band, and not the Commission's proposals in this proceeding.[11] As an initial matter, even these studies show that the relatively paltry $5 billion in expected annual economic benefit from the Commission's proposals here would be dwarfed by the **hundreds of billions** of dollars in savings that can be achieved by reducing the number and severity of motor vehicle crashes annually, let alone dramatically reducing traffic congestion. *See*, *e.g.*, MEMA Comments at 3. But from a methodology perspective, there appears to have been no attempt to analyze whether opening up the 6 GHz band by itself would provide all of the putative economic benefits envisioned by the study's author. That is, the study's allocation of economic benefits between the 1200 MHz of spectrum in the 6 GHz band and the 45 MHz from the 5.9 GHz band appears to be entirely arbitrary and does not grapple with the law of diminishing (if not non-existent[12]) returns. In fact, as Charter

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[7] Alliance for Automotive Innovation press release "Auto Industry Unites Behind Safety Technology by Committing at least 5 Million V2X Radios and Devices by the End of 2025" (April 23, 2020) available at https://www.autosinnovate.org/press-release/auto-industry-unites-behind-safety-technology-by-committing-at-least-5-million-v2x-radios-and-devices-by-the-end-of-2025/

[8] Motor & Equipment Manufacturers Association statement, "MEMA Applauds Pledge to Grow V2X Radio Deployments" (April 23, 2020) available at https://www.mema.org/mema-applauds-automakers-pledge-grow-v2x-radio-deployments

[9] *See* https://docs.fcc.gov/public/attachments/DA-19-1298A1.pdf.

[10] SAFE Comments at 5.

[11] *See* http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf (opining that opening up the 6 GHz band will provide $153.75 billion in economic benefits over the next five years, while FCC's proposals for the 5.9 GHz band will supposedly create $28 billion in value in five years (without regard to the costs of decreasing transportation safety)).

[12] This study's conclusions appear to be based on an entirely false set of assumptions, specifically that *wireless* Internet is the bottleneck. Specifically, the study notes that current "dual router Wi-Fi speed is estimated at **266.50 Mbps**." *Id.* at 5 (emphasis added). As the FCC's own data for fixed broadband service shows, however, "the maximum advertised download speeds amongst the service tiers measured by the FCC were between 3-200 Mbps for the period covered by this report," and the "median speed experienced by subscribers of the participating ISPs was 72 Mbps." *See* https://www.fcc.gov/reports-research/reports/measuring-broadband-america/measuring-fixed-broadband-eighth-report. Thus, existing Wi-Fi capabilities provide nearly ***4 times*** the capacity of average fixed broadband speeds to the home. In other words, *Wi-Fi* is not the bottleneck, but fixed broadband service. And even *if* fixed broadband speeds will increase beyond existing dual router capacity, there is no data to support that the Commission's actions in the 6 GHz proceeding will not be more than sufficient to bridge any gap.

Communications recently represented, "[o]pening the entire 6 GHz spectrum band for unlicensed use **would remove the existing congestion barrier** and open up much needed wide-bandwidth channels essential for the super-fast speeds of next-generation multi-Gigabit WiFi … ."[13] Stated differently, the Commission's proposals would result in gold plating Wi-Fi spectrum capacity, while destroying the significant public-private investments in the 5.9 GHz band for ITS applications and making its further use impossible for critical life-saving applications.

In sum, all of the stakeholders who oppose the NPRM have serious reliance interests in the current allocation of the ITS band, and the Commission and the limited number of NPRM proponents have not put forth any data that would justify the radical departure from the existing framework, let alone whether 30 MHz for ITS applications would be sufficient or safe from harmful interference. Indeed, the Commission cavalierly dismisses the need to even examine this critical safety issue – stating that it is "skeptical that delays to accommodate further testing are warranted." NPRM, ¶ 10 (further noting that "we believe" separate spectrum segments will "obviate[e] the need to study and implement complex spectrum sharing arrangements").

MEMA respectfully submits that this is not reasoned decision making. The Administrative Procedure Act *requires* an agency to "examine the relevant data and articulate a satisfactory explanation for its action including a 'rational connection between the **facts found** and the choice made.'"[14] Further, where, like here, the agency's "prior policy has engendered serious reliance interests that must be taken into account," an agency must "provide a more detailed justification" for changing its prior policy.[15] Any order resulting from the NPRM would be fatally compromised because "[t]hese rules … are not based on facts or data but on unsubstantiated" and unexamined beliefs that ITS applications can coexist surrounded by unlicensed usage.[16] All of the testing data submitted in response to the NPRM indicates that this is not the case, and the Commission's proposals will result in harmful interference to lifesaving ITS technologies. MEMA, therefore, encourages the Commission to reverse course.

III. The Limited Number of Supporters of Rechannelization Concede that the Commission's Proposals Would Not Be Effective Unless Even More Harmful Interference to ITS Communications Is Permitted

As demonstrated above, there is a significant likelihood that any Commission order adopting the NPRM would be judicially stayed and ultimately vacated because of the Commission's failure to base its proposals on the data before it – specifically the near certainty that the Commission's proposals will result in harmful interference to licensed ITS applications. To add insult to injury, the NPRM's few supporters expressly advocate that the Commission's proposals "would significantly reduce or even eliminate the possibility of Wi-Fi deployments in the band" – unless out-of-band-emissions (OOBE) levels can be substantially increased even further.[17] In other words, the Commission's current proposals will not make anyone happy, as the putative beneficiaries of the NPRM will not be satisfied unless and until they can create even more harmful interference with the

[13] Charter Communications Blog, "How WiFi in 6 GHz Can Enable the Next Wave of Digital Innovation" (Nov. 19, 2019) (emphasis added), available at https://policy.charter.com/blog/wifi-6ghz-can-enable-next-wave-digital-innovation/.
[14] *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (citation omitted, emphasis added).
[15] *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).
[16] Dissenting Statement of Commissioner Michael O'Rielly, *Protecting and Promoting the Open Internet*, GN Docket No. 14-28
[17] *See*, *e.g.*, Comments of Wi-Fi Alliance at 7; *see also* Comcast Comments at 10-11; Microsoft Comments at 3-5.

remaining licensed ITS spectrum. Thus, as MEMA details below, regardless of whether the Commission adopts the NPRM as proposed, or permits even more OOBE levels as requested by the NPRM proponents, it is a certainty that harmful, and thus unlawful, interference will result – in express violation of the Commission's rules. Either way, the NPRM cannot survive scrutiny. *See, e.g.*, *Nat'l Envtl. Dev. Ass'ns Clean Air Project v. EPA*, 752 F.3d 999, 1009 (D.C. Cir. 2014) (agency action is "arbitrary and capricious if the agency fails to comply with its own regulations").

As the unrebutted DOT testing data establishes, "[i]nterference from Wi-Fi in an adjacent channel typically resulted in significant packet errors 200-350 m away for traffic loads of 15% and higher. This interference included gaps in the DSRC traffic greater than half of a second."[18] Moreover, the packet error rate climbed to "as high as 80 percent within a 200 meter range."[19] Critically, ITS "safety applications are designed to tolerate a 10 percent packet error rate (PER), which translates into one missed packet during a 10-packet transmission string."[20] And to put these results into perspective, the DOT's testing almost certainly understates the level of interference to ITS applications because the testing took place under more conservative power level conditions – specifically at 36 dBm EIRP – which is less than what the Commission proposes in the NPRM.

In fact, the DOT recently released an updated whitepaper that thoroughly examines the interference and safety risks that would occur if the Commission's proposals were adopted.[21] When evaluating a real-world example of basic ITS applications at a New York City intersection given normal traffic volumes, the DOT Interference Study demonstrates as a threshold matter that a single channel to handle basic safety message (BSM) transmissions would be severely congested – by over 53 percent capacity.[22] When then factoring in interference from adjacent channels, the DOT Interference Study shows that "vehicles that are near, entering, or leaving the intersection at peak travel times will not consistently be able to broadcast BSMs."[23] In other words, where the safety and collision risks are greatest – at intersections preventing line of sight perception and transmissions – the Commission's proposals will result in significant interference. Importantly, however, the DOT Interference Study also concludes that if its simplifying assumptions are removed – such as a lower power limit – "it becomes even less likely that ***any*** **level of consistent and reliable BSM transmission will occur due to adjacent channel interference. This would have a direct impact on safety**."[24]

As noted above, however, the Wi-Fi Alliance, Comcast, Microsoft, and the few other NPRM proponents consistently request even more permissive power and OOBE levels that will necessarily result in greater interference to licensed ITS applications, arguing that the Commission's proposals will not be beneficial otherwise.[25] However, Section 301 of the Communications Act, as

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[18] DOT Comments at 57.
[19] *Id.*
[20] *Id.* at 12 n. 22.
[21] *See Impairing Traffic Safety from Changes in the Safety Band, Introduction of Interference from Unlicensed Users*, U.S. Department of Transportation ("DOT Interference Study"), available at https://www.transportation.gov/sites/dot.gov/files/2020-03/Rechannelization%20Inteference-01AUGUST2019_FINAL_0.pdf.
[22] *Id.* at 38.
[23] *Id.*
[24] *Id.* (emphasis added).
[25] *See*, *e.g.*, Comments of Dynamic Spectrum Alliance Limited at 4 ("Our understanding from DSA members is that IEEE 802.11 compliant devices will not be able to meet the OOBE limit at the upper frequency edge of the ITS segment without a dramatic reduction in power.").

implemented by the Commission's Part 15 rules, prohibits unlicensed devices that would harmfully interfere with licensed uses. Specifically, Section 15.5(b) of the Commission's Rules states unequivocally that "[o]peration of an [unlicensed] intentional ... radiator is subject to the conditions that *no* harmful interference is caused ... ."[26] "[H]armful interference" is defined as any "emission, radiation or induction that *endangers* the functioning of a radio navigation service or of **other safety services** or seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with this chapter."[27] Therefore, "any" device that emits radiation that "endangers" – that is, puts at risk – a licensed use constitutes "harmful interference" and is categorically prohibited by the Commission's existing Part 15 rules. Indeed, the Communications Act's licensing provisions, including Sections 301, 309, 316, as well as a consistent line of Commission orders,[28] require that licensed users be protected from harmful interference caused by unlicensed uses. Stated differently, if the Commission is to permit any unlicensed uses, it must ensure that harmful interference to licensees is eliminated.

Moreover, given the vested reliance interests licensees possess in the 5.9 GHz band, under Supreme Court precedent, it would be unlawful to fundamentally alter or reduce the spectrum allocated to ITS applications. *See, e.g., MCI Telecommunications Corp. v. AT & T*, 512 U.S. 218 (1994) (holding that statutory "authority to 'modify' **does not contemplate fundamental changes**") (emphasis added). Indeed, as the Utah Department of Transportation noted, if the Supreme Court ruled that a change affecting 40 percent of a service exceeded the Commission's modification authority, it would certainly be beyond the Commission's authority to carry out the changes proposed here – reducing the spectrum allocated to ITS applications by 60 percent generally, and to DSRC specifically by 86 percent.[29]

Here, it is undisputed that harmful interference will occur to ITS licenses. In these circumstances, the Commission's Part 15 rules, which are necessary to implement and protect licensed uses under Section 301 and related provisions of the Communications Act, prohibit proceeding with the Commission's proposals given the known adjacent channel interference issues.

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[26] 47 C.F.R. §15.5(b) (emphasis added).
[27] *Id.* §15.3(m) (emphasis added).
[28] *See*, *e.g.*,, *Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands*, 30 FCC Rcd 9551, 9605 (2015) ("While our technical analysis shows that there is a low probability that unlicensed devices will cause harmful interference to licensed wireless services, we nonetheless remind parties that our rules prohibit unlicensed devices from causing harmful interference"); *Amendment of Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, 27 FCC Rcd 15594, 15608 (2004) ("The primary operating conditions under part 15 are that the operator must accept whatever interference is received and must not cause harmful interference. Should harmful interference occur, the operator is required to immediately correct the interference problem, even if correction of the problem requires ceasing operation of the system."); *Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband over Power Line Sys.*, 19 FCC Rcd 21265, 21275-76 (2004) ("interference can be rapidly eliminated through various means should it occur."); *id.* at 21276 ("We emphasize that Access BPL systems will continue be treated as unlicensed Part 15 devices and as such will be subject to the conditions that they not cause harmful interference and that they cease operation if they do cause such interference, as required by our rules") ("*BPL R&O*").
[29] *See* Utah Department of Transportation Comments at 9-10. Even if the Commission's proposals here could be considered a permissible "modification" – which they cannot – the Commission is prohibited from making any license modifications absent specific findings that it will "promote the public interest, convenience, and necessity," and only after the Commission has "notified" licensees "in writing of the proposed action" and has given licensees "reasonable opportunity ... to protest" the proposed modification. 47 U.S.C. § 316(a)(1); *see also* Comments of the Intelligent Transportation Society of America at 13-15 ("Reducing the bandwidth for DSRC to 10 MHz would prevent licensees from providing many, if not most," of their services, which would thus constitute an unlawful "fundamental change.").

Further, the Commission does not have the statutory authority to fundamentally alter the 5.9 GHz band to the detriment of current licensees in the manner the Commission is proposing. For these reasons, MEMA therefore urges the Commission to keep the full 75 MHz of spectrum in the 5.9 GHz band allocated to vehicle safety, and in no event should the Commission proceed with any changes until real world testing rigorously establishes that ITS applications will not face harmful interference. Such testing is necessary to ensure that this minimum spectrum receives the best protection from harmful interference, as mandated under the Communications Act and the Commission's Part 15 rules.

IV. Even Supporters Concede that ITS Spectrum Allocation Should Be Harmonized Internationally

As MEMA previously established, the Commission appears to be grounding much of its proposal on the misconception that other countries and regions are also poised to reduce the amount of spectrum allocated to ITS applications. *See* MEMA Comments at 6-7. As MEMA and other commenters have detailed,[30] however, the exact opposite is true – there is a consistent trend to *increase* the spectrum dedicated to ITS, and to harmonize its use globally in the 5.9 GHz band, as the following chart demonstrates:

International Allocation of 75MHz of spectrum at 5850 – 5925 MHz

COUNTRY	MHz ALLOCATION	ADDITIONAL BACKGROUND
Australia	70 MHz	
Canada	75 MHz	
European Union	70 MHz	30 MHz currently dedicated exclusively to transportation safety communications, but the EU recognizes that 30 MHz is insufficient for ITS and has proposed allocating 50 MHz to ITS safety applications, and another 20 MHz to non-safety applications.
Japan	80 MHz	10 MHz dedicated exclusively for transportation safety communications, but are testing additional V2X technologies
Mexico	75 MHz	
Russia	70 MHz	
Singapore	70 MHz	
South Korea	70 MHz	
United States	75 MHz	70 MHz + 5 MHz reserve band

[30] *Id.*; *see also* DoT Comments at 33-34 (detailing the global convergence around 75 MHz of spectrum for ITS).

Indeed, even commenters ostensibly supporting the Commission's proposal recognize that it is incredibly important to:

> more closely harmonize the 5.9 GHz band with what other countries have done – allowing automakers around the world to build **a single safety system compatible across multiple countries**, rather than building separate systems that each utilize different frequencies depending on the country. Some people may not be happy with this, but in the context of global spectrum harmonization it is clearly a sensible approach.[31]

MEMA agrees. But again, what other countries have done, or are in the process of doing, is coalescing around 75 MHz of spectrum in the 5.9 GHz band. The Commission's proposal is therefore akin to adopting the imperial system when we, and the rest of the world, are already using the metric system. Because the 5.9 GHz band is largely harmonized internationally for ITS usage, the Commission's proposals would therefore result in a host of unintended consequences that would negatively impact both public and private sector entities across the United States. In fact, Commissioner O'Rielly previously and correctly noted that the "benefits of global harmonization are many. For instance, it reduces the cost of new equipment and devices because of the economies of scale achieved when technology can be marketed globally. Additionally, it allows consumers to have the same experience with their devices whether they are at home or abroad."

MEMA could not agree more with this sentiment and its application to the spectrum allocated to ITS applications. Simply put, the Commission's proposals will make international harmonization unworkable. From complicating the ability of U.S., Canadian and Mexican vehicles to cross our shared borders and seamlessly use the same ITS technology, to making it much more difficult, if not impossible, for U.S. manufacturers to export our technologies, adopting the NPRM's proposals will create a major and needless rift with our major trading partners. In fact, it is U.S. policy to decrease non-tariff barriers to trade by promoting and adopting international "standards and technical regulations."[32] The Commission's proposals in the NPRM would run directly counter to our international trade policy, let alone against the unanimous consensus of federal and state transportation agencies domestically.

In addition, MEMA is very concerned that rules, like the FCC proposal, could adversely impact the development of a range of new Automated, Connected, Electric, and Shared Vehicles (ACES) technologies needed to enhance mobility. ACES technologies are already rapidly changing new product development in the vehicle industry and the ways that consumers and other road users interact with vehicles. While the U.S. currently leads the world in most of these technologies, that leadership is not assured going forward. The unintended consequences of regulatory decisions may erode our technological leadership that is critical to America's overall competitiveness and future of motor vehicle parts manufacturers. A change in FCC's rules has the very real potential to impede the U.S. vehicle industry's competitive advantage in the global marketplace.

At bottom, given the growing alignment around the full 5.9 GHz band internationally, it is imperative that the Commission preserve the entire band to ensure continued U.S. leadership in ITS technology development and deployment.

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[31] Comments of R Street Institute at 7.
[32] *See* https://ustr.gov/trade-agreements/free-trade-agreements/transatlantic-trade-and-investment-partnership-t-tip/t-tip-2.

V. Conclusion

In sum, MEMA respectfully submits that the record developed in this docket overwhelmingly supports preserving the full 75 MHz of spectrum currently allocated to ITS. It is undisputed that the Commission's proposals would cause the life-saving technologies and applications currently deployed or being developed by MEMA members and many others to suffer harmful interference from unlicensed use in adjacent bands – to the point of being unusable. From a legal perspective, this should end the analysis because current licenses are entitled under the Communications Act to operate without the risk of harmful interference. Finally, from a public policy perspective, there is simply no data in the record that would support both crippling life-saving ITS applications simply to provide an overabundance of unlicensed Wi-Fi, and creating needless disharmony in relation to the emerging international standards for ITS spectrum allocation. MEMA therefore strongly urges the Commission to reverse course in this proceeding.

For questions or more information, please contact MEMA's Chief Technology Officer Brian Daugherty at bdaugherty@mema.org or (248) 430-5966, and Vice President of Regulatory Affairs Leigh Merino at lmerino@mema.org or (202) 312-9249.

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