**FCC Likely to Move Forward on 5.9 GHz Rule Change**

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With public and highway safety groups staking out a hard line, it's unclear when the FCC will act on new rules for the 5.9 GHz band, industry and commission officials said. Commissioners agreed 5-0 in December to examine revised rules for the band, reallocating 45 MHz for Wi-Fi, with 20 MHz reserved for cellular vehicle to everything and possibly 10 MHz for dedicated short-range communications (see 1912180019). Some observers said with the FCC poised to open the 6 GHz band for Wi-Fi and unlicensed, Chairman Ajit Pai may be less inclined to continue the fight over 5.9 GHz while taking some actions to allow C-V2X. Comments were due at 11:59 p.m. Monday in docket 19-138.

"Slow rolling resolution of the 5.9 GHz band issues makes good sense, given the significant opposition expressed in comments," said a lawyer who represents automakers. An attorney who represents Wi-Fi advocates said, based on past items, Pai never would have agreed to release the NPRM in December unless he were serious about moving forward.

Chris Szymanski, Broadcom director-product marketing and government affairs, said the FCC should recognize that 5.9 GHz is unique and can be utilized more quickly than 6 GHz for the next generation of Wi-Fi since some devices will likely to be able to use the band with software upgrades. "This commission has found the recipe for accelerating high speed wireless broadband deployment in America for next-generation services," Szymanski told us: "Opening the 5.9 GHz band with the right rules would allow devices already deployed to be field-upgraded so that users can receive the immediate benefit of additional spectrum to fuel wider bandwidth applications that require more range or higher power."

Gather all the facts first, said Jon Peha, professor at Carnegie Mellon University and former FCC chief technologist. "Lives depend on whether we get this policy right," he told us. "Federal agencies are pushing in opposite directions, as are many state and local government agencies, car companies and telecom companies. That's a recipe for failure."

"We are just at the beginning of the pleading cycle, so I very much doubt staff is suggesting any change in direction," said Michael Calabrese, director of the Wireless Future Program at New America. The "ultimate" win for consumers would be if the FCC reallocated all 75 MHz for next-gen Wi-Fi and assigned C-V2X auto safety "to a different band with better propagation and potentially more spectrum, such as the virtually unused public safety band at 4.9 GHz," he said.

The FCC is "eager to get both of these done, but I could see how 6 GHz would take priority," said Information Technology and Innovation Foundation Broadband and Spectrum Policy Director Doug Brake: "It's a lot more spectrum, and while there are some real engineering challenges, it sounds like the FCC has a good sense of what ...will work."

A 6 GHz decision is likely much earlier than on 4.9 GHz because of delays in the NPRM for the latter band, said Tom Struble, tech policy director at the R Street Institute. "It's still possible for either or both proceedings to be bifurcated in some way, with some parts being finalized and other parts being tabled for further comment," he said: "There's a strong push from the mobile carriers to table at least some of the 6 GHz band for future licensed mobile use." The comment cycle is still underway on 5.9 GHz "and the FCC could change its mind as the record develops," he said: "The most likely scenario is that the FCC follows through with its original proposal."

Early Comments

Many early comments opposed taking spectrum away from DSRC (see 2003030036 and 2003060038).

"The FCC is proposing this change without any analysis or evidence that shows these life-saving technologies will continue to operate successfully in only 30 MHz of spectrum," ITS America President Shailen Bhatt said Monday. "Its proposal is based on an incomplete and flawed understanding of the role the 5.9 GHz band plays in creating a safer transportation network." The group declined to comment on the outlook at the FCC.

The International Association of Firefighters "strongly believes allowing unlicensed uses on the designated 5.9 GHz frequency safety band will compromise the safety of emergency responders and potentially interfere with the reliability of vehicle to everything communications, reducing or eliminating the safety benefits," said a filing posted Monday in docket 19-138. Pai that day spoke at the group's convention (see 2003090025). The American Highway Users Alliance said opposition to the NPRM is "wide and strong."

Volkswagen said lives are at stake and the FCC should test the use of Wi-Fi close to safety spectrum before adopting rules. The agency is "on a path that will result in an overabundance of spectrum for unlicensed devices, at the expense of mission critical operations that require spectrum to ensure safety, reliability and efficiency," the National Public Safety Telecommunications Council warned.

"While expanding Wi-Fi deployment remains an important issue, it should not be done at the risk of public safety on American roadways," commented the American Society of Civil Engineers.

Initial tests show "if this proposal is adopted, the leakage between bands at varying application distances will create a serious issue for the automotive safety use and capability," the Automotive Safety Council said: "While it has been a long time coming, the industry is now poised to begin to utilize these dedicated frequencies that have been preserved and counted on by the automotive industry all these years."

The FCC should make a choice, rather than split the band between DSRC and C-V2X, Peha says. "Choosing the inferior standard of the two is still better than supporting both," Peha commented: "If half the cars adopt one standard, and half adopt another, then there is a 50% chance that the system will be useless when two cars are in danger of colliding."

The Competitive Enterprise Institute said the IoT will require much more spectrum as it rapidly grows. Spectrum supply is "inherently finite," CEI said: "More of it cannot be manufactured or grown. Accommodating growing demand can only be accomplished through more efficient use of the existing supply."