The Honorable Maria Cantwell
Chairwoman
Committee on Commerce, Science, and Transportation United States Senate

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives

The Honorable Roger Wicker
Ranking Member
Committee on Commerce, Science, and Transportation United States Senate

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives

Dear Members of Congress,

Following years of careful study, in 2020 the FCC took bipartisan action to allow both unlicensed broadband and automotive use of the 5.9 GHz band, clearing the way for billions of dollars in economic value and innovation.

The Department of Transportation's ("DOT") recently announced study appears to be designed to undermine the FCC's decision, spurred by interests' intent on re-asserting a claim that the automotive industry should control the entire band. DOT is conducting this action without seeking public comment and appears to be relying on improper technical assumptions and methodologies.

Accordingly, the undersigned organizations urge you to stop this misguided effort. DOT should be focusing its efforts on bringing the automotive industry's new cellular vehicle-to-everything ("C-V2X") technology to vehicles. Instead, we are concerned that DOT will attempt to use a study that is both procedurally and technically flawed to pressure the FCC to roll back its bipartisan decision on the 5.9 GHz band. This would be another instance of government agency dysfunction run amok.

Congress designated the FCC as the nation's arbiter of commercial spectrum. The FCC's 5.9 GHz decision is based on sound science and engineering and will best serve both the broadband and automotive safety needs of the country. The FCC's approach:

1. uses the lower part of the band to strengthen Wi-Fi networks at a time when, as the pandemic demonstrated, Americans rely on these networks more than ever to access jobs, education, healthcare, and financial services; and
2. designates the upper part of the band to revitalize the Intelligent Transportation Service (ITS) by allowing C-V2X technology to replace the failed dedicated short-range communication (DSRC) This advances the future of ITS, since DSRC was not deployed by the automotive industry in any meaningful way outside of a handful of pilot projects.

The FCC undertook a lengthy, full, and fair public rulemaking that expressly considered the views of all stakeholders, from consumer advocates and technology companies to the DOT,

state transportation agencies and vehicle manufacturers. The result was a bipartisan and unanimous decision that adopted careful technical rules to protect neighboring automotive services.

The FCC's decision is also critical for American jobs, as unlicensed technologies add hundreds of billions of dollars to the U.S. economy every year and economists calculate that enabling access to part of the 5.9 GHz band will add more than $28 billion by 2025. In fact, this spectrum has been used for the past two years to provide consumers with additional bandwidth to meet increased demand during the pandemic.

C-V2X advocates repeatedly told the FCC that 30 megahertz of spectrum would be sufficient for C-V2X to deliver time-critical safety messages and applications. Rather than relitigate the FCC's bipartisan decision on a spectrum matter that is squarely in its jurisdiction, DOT should focus on helping the automotive industry deliver on those vehicle-safety promises.

Spectrum is a finite asset, and after a twenty-year grant of exclusive use of the band, the FCC was right to not allow these critical mid-band frequencies to lay fallow any longer. Given the importance of the 5.9 GHz band to the country, the federal government must speak with a unified voice on spectrum. Congress should direct the DOT to drop this post-Order testing immediately.

Respectfully submitted,

American Library Association
Benton Institute for Broadband & Society
Center for Rural Strategies
Council for Citizens Against Government Waste
Digital Progress Institute
International Center for Law & Economics
Next Century Cities
Open Technology Institute at New America
Public Knowledge
R Street Institute
Wireless Internet Service Providers Association (WISPA)