

May 1, 2023

VIA ECFS

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

Re: Unlicensed Use of the 6 GHz Band, ET Docket No. 18-295; Expanding Flexible  
Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 17-183

The undersigned parties, representing incumbent public safety, critical infrastructure industry (“CII”), and enterprise/private licensees, provide this *ex parte* filing regarding meetings held on April 27 and May 1 with the offices of Chairwoman Rosenworcel and Commissioners Carr, Starks, and Simington. A list of attendees at each meeting is included below. The parties discussed steps the Commission can take to protect fixed operations from harmful interference from unlicensed use of the 6 GHz band, consistent with the joint letter filed by the parties and other organizations on March 31 (attached).

Respectfully submitted,

Jeffrey S. Cohen  
Chief Counsel  
APCO International

Aryeh B. Fishman  
Associate General Counsel, Regulatory Legal  
Affairs  
Edison Electric Institute

Robin J. Cohen  
President/CEO  
Enterprise Wireless Alliance

Brian M. O’Hara  
Senior Director Regulatory Issues – Telecom and  
Broadband  
National Rural Electric Cooperative Association

Larry F. Butts  
Manager, Telecom Engineering  
Southern Company Services, Inc.

Brett Kilbourne  
Senior Vice President Policy and General Counsel  
Utilities Technology Council

Meeting Attendees:

April 27, 2023 – Office of Commissioner Carr

- FCC – Greg Watson
- APCO – Jeff Cohen and Mark Reddish
- EWA – Robin Cohen and Liz Sachs
- Southern Company – Holly Henderson, David Rines, and Tom Dombrowsky
- UTC – Brett Kilbourne and Eric Wagner

April 27, 2023 – Office of Commissioner Simington

- FCC – Erin Boone
- APCO – Jeff Cohen and Mark Reddish
- EWA – Robin Cohen and Liz Sachs
- Southern Company – Holly Henderson, David Rines, and Tom Dombrowsky
- UTC – Brett Kilbourne and Eric Wagner

April 27, 2023 – Office of Commissioner Starks

- FCC – Shiva Goel
- APCO – Jeff Cohen and Mark Reddish
- EWA – Robin Cohen and Liz Sachs
- Southern Company – Holly Henderson, David Rines, and Tom Dombrowsky
- UTC – Brett Kilbourne and Eric Wagner

May 1, 2023 – Office of Chairwoman Rosenworcel

- FCC – Jonathan Campbell
- APCO – Jeff Cohen and Mark Reddish
- EEI – Aryeh Fishman
- EWA – Robin Cohen and Liz Sachs
- NRECA – Brian M. O’Hara (virtual)
- Southern Company – Holly Henderson, David Rines, and Tom Dombrowsky
- UTC – Brett Kilbourne

Attachment

March 31, 2023

**VIA ECFS**

Chairwoman Jessica Rosenworcel  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: Unlicensed Use of the 6 GHz Band, ET Docket No. 18-295; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 17-183**

Dear Chairwoman Rosenworcel:

The undersigned parties, representing incumbent public safety, critical infrastructure (“CII”), and other enterprise licensees, provide this *ex parte* filing detailing the concrete steps that the Commission can take to protect fixed operations from harmful interference from unlicensed use of the 6 GHz band. Incumbent public safety, CII, and other enterprise licensees are not opposed to sharing the 6 GHz band with unlicensed devices, but such sharing requires the proper protections to prevent harmful interference from unlicensed use.

Collectively and individually, incumbent licensees have made numerous good-faith filings seeking the Commission’s assistance in ensuring the integrity of crucial microwave links operated by primary incumbent users, and we remain committed to assisting the Commission to find the best path forward. New documented information has been provided on the record since the Commission’s initial decision that suggest the following actions are necessary for coexistence in the 6 GHz band:

- Action on the longstanding petition for rulemaking, including cost recovery for incumbent licensees in the 6 GHz band, an issue which has not been examined as part of this proceeding;
- Improvements in interference detection, identification, reporting, tracking, and elimination for the 6 GHz band, including the creation of a centralized interference reporting point that is publicly available;
- Public comment opportunity on extending the Automated Frequency Coordination (“AFC”) requirements to *all* uses of the 6 GHz band to support the interference detection, identification, reporting, tracking, and elimination process;
- Sufficient time provided for review and completion of real-world testing of AFC systems before implementation;
- Tolling of additional rule changes for unlicensed use of the 6 GHz band until AFC systems are deployed and demonstrated to work under existing rules;
- Real-world testing and measurements of existing Wi-Fi 6E systems and other planned unlicensed devices (with Commission participation);

- Publication of all simulation information (not just inputs/outputs) to allow all stakeholders an opportunity to fully understand and confirm modeling of the interference environment; and
- Provision of solutions to protect incumbent systems operating pursuant to emergency special temporary authority from AFC-governed standard power devices.

By taking these actions, the Commission can assure incumbents that their vitally important systems will be protected from harmful interference while simultaneously allowing use of the 6 GHz band by unlicensed devices. This approach would allow the Commission to move forward in a thoughtful, fully transparent, and technically sound way, and it would form a basis for future efforts to share spectrum among different users.

We look forward to discussing these actions in greater detail and will reach out to schedule meetings for that purpose.

Respectfully submitted,

Corry Marshall  
Senior Government Relations Director  
American Public Power Association

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National Rural Electric Cooperative Association

Larry F. Butts  
Manager, Telecom Engineering  
Southern Company Services, Inc.

Brett Kilbourne  
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Utilities Technology Council

cc: Commissioner Brendan Carr  
Commissioner Geoffrey Starks  
Commissioner Nathan Simington  
Umair Javed  
Ethan Lucarelli  
Greg Watson  
Danielle Thumann  
Shiva Goel  
Erin Boone  
Ronald Repasi  
Ira Keltz  
Michael Ha