

December 1, 2020

Chairman Richard Shelby  
Committee on Appropriations  
U.S. Senate  
Washington, D.C. 20510

Ranking Member Patrick Leahy  
Committee on Appropriations  
U.S. Senate  
Washington, D.C. 20510

Chairwoman Nita M. Lowey  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Ranking Member Kay Granger  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Shelby, Ranking Member Leahy, Chairwoman Lowey, and Ranking Member Granger:

On behalf of the oil and gas, water, and electric power critical infrastructure sectors, we urge you to provide oversight of the Federal Communications Commission's (FCC's) efforts to open the 6 gigahertz (GHz) band to unlicensed use. Specifically, we urge that any final report accompanying the fiscal year 2021 Financial Services and General Government (FSGG) appropriations bill or an omnibus appropriations bill include the following language from the Senate Appropriations Committee's report accompanying its FY21 FSGG draft bill:

6 Gigahertz.—As the FCC has authorized unlicensed use of the 6 Gigahertz band, the Committee expects the Commission to ensure its plan does not result in harmful interference to incumbent users or impact critical infrastructure communications systems. The Committee is particularly concerned about the potential effects on the reliability of the electric transmission and distribution system. The Committee expects the FCC to ensure any mitigation technologies are rigorously tested in coordination with relevant sector specific agencies, and found to be effective in order to protect the electric transmission system. The Committee directs the Commission to provide a report to the Committee within 90 days of enactment of this act on its progress in ensuring rigorous testing related to unlicensed use of the 6 Gigahertz band.<sup>1</sup>

In April, the FCC approved an order opening the 6 GHz band to unlicensed use by certain devices. During the rulemaking process, our associations and member companies had been routinely engaged with the Commissioners and Commission staff, including the FCC's Office of Engineering and Technology, to present analyses demonstrating the potential for interference with our systems from unlicensed use. The FCC, however, downplayed those concerns in its decision to open this band to millions of unlicensed devices despite the risk of interference to wireless networks operated by public safety and critical infrastructure. Moreover, the 6 GHz multi-stakeholder group designated by the Commission to address issues like detecting harmful interference from unlicensed devices operating in the 6 GHz band currently lacks access to unlicensed devices to conduct interference testing. Our concerns about the consequences of the FCC's decision without an adequate interference testing regime therefore remain.

---

<sup>1</sup> <https://www.appropriations.senate.gov/imo/media/doc/FSGGRept.pdf>

In addition, the Commission is now considering a proposal to allow *additional* devices into the band. As incumbent users in the band, electric and water utilities and gas and oil companies, as well as other critical infrastructure sectors and public safety entities, remain concerned that interference in the band could threaten the reliability and security of this nation's critical infrastructure and public safety communications. Without real-world testing, it is premature for the Commission to rush this proposal, and the Commission should allow the 6 GHz multi-stakeholder group to complete the work of evaluating interference to incumbent networks from new unlicensed devices.

We applaud the Senate for including language that reiterates the need for testing, actions that the FCC Chairman committed to during congressional testimony but has yet to follow through on in a meaningful manner. Ensuring that any proposal further opening the 6 GHz band to unlicensed use does not result in harmful interference to incumbent users is a position shared by virtually all incumbent stakeholders, and a position that the FCC has indicated support for throughout this process. It is therefore appropriate that Congress exercise its oversight authority to ensure that goal is realized.

Thank you for your consideration of this request.

Sincerely,

American Gas Association  
American Petroleum Institute  
American Public Power Association  
American Water Works Association  
Edison Electric Institute  
National Rural Electric Cooperative Association  
Utilities Technology Council

cc: U.S. Senate Committee on Commerce, Science, & Transportation  
U.S. House Committee on Energy & Commerce  
The Honorable Roger F. Wicker  
The Honorable Maria Cantwell  
The Honorable Frank Pallone, Jr.  
The Honorable Greg Walden