

March 18, 2021

VIA ELECTRONIC FILING

Ms. 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; GN Docket No. 17-183*

Dear Ms. Dortch,

The Commission's equipment certification process, which enables any manufacturer to present equipment for market and have it judged by transparent rules and test procedures, is the cornerstone for wireless product and device innovation in the United States. The undersigned parties therefore urge the Commission to ignore calls by parties including CTIA to cease ongoing equipment certification approvals for 6 GHz unlicensed low-power indoor ("LPI") devices. Certification applications for LPI devices are currently being presented to the FCC Laboratory under valid rules and testing requirements. Calls to add new, undefined and open-ended tests to these processes to demonstrate coexistence with incumbent fixed-microwave licensees are untimely and procedurally defective. Commission adoption of this misguided proposal would set a dangerous precedent and generate long-term, negative reverberations far beyond the 6 GHz proceeding.

The 6 GHz rules are derived from an analysis in the 6 GHz Order of a substantial technical record that concludes that the Commission's chosen parameters would not pose any significant risk of harmful interference. Parties who disagreed with the Order have sought legal review in a multitude of venues. In addition to petitioning the Commission itself to reconsider its rules, numerous parties filed appeals in the United States Court of Appeals for the District of Columbia Circuit. The Commission declined APCO's and Edison Electric Institute's requests to stay the effectiveness of the 6 GHz rules in August 2020. Likewise, the D.C. Circuit rejected calls for stay and determined to let the Commission's rules take effect.

In the absence of a reconsideration or stay, industry is free to rely on Commission rules to design and produce equipment for marketing and sales to consumers and enterprise. Once the Commission's rules become effective, manufacturers engage in months-long, resource-intensive product design and development processes. In the meantime, the FCC Laboratory develops test procedures by which companies can demonstrate equipment's compliance with the rules. Like the rules themselves, these test procedures are made available for public review and comment through the FCC Laboratory's Knowledge Database.

Before marketing or sale, all 6 GHz equipment must obtain certification, based on filing of a detailed application that includes publicly-available results of tests conducted by an FCC-accredited testing laboratory. The Commission's certification process is rigorous; recognized globally for its thoroughness, fairness, and predictability; and is considered an exemplar for promoting U.S. competitiveness and innovation while protecting against the specter of harmful interference.

Regardless of whether equipment uses the 6 GHz band or other spectrum frequencies, manufacturers' confidence in the certification process should not be undermined by transforming it into a new venue for attempting to stay or relitigate Commission orders. Allowing the FCC Laboratory process to be exploited in this manner would upend manufacturer expectations, endanger U.S. leadership in 5G, stifle innovation, and increase costs and delays in getting the newest innovations into the hands of Americans at a time when they are relying on them more than ever for learning, commerce, and medical care. The Commission should immediately dismiss this misguided proposal.

Respectfully submitted,

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