

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Use of the 5.850-5.925 GHz Band) ET Docket No. 19-138
)

**COMMENTS OF THE
INTELLIGENT TRANSPORTATION SOCIETY OF AMERICA**

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I. Introduction

The Intelligent Transportation Society of America (“ITS America”) hereby respectfully submits its Comments in response to the *Public Notice* seeking comment on a request for a nationwide waiver of intelligent transportation system (“ITS”) rules to use Cellular Vehicle-to-Everything (“C-V2X”) technology in the 5.895-5.925 GHz band released by the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau (“Bureaus”) in ET Docket No. 19-138, as captioned above.¹ In the *Public Notice*, the Bureaus request comment on a joint filing by certain automakers, state departments of transportation, and equipment manufacturers (collectively, the “Joint Waiver Parties”), requesting a waiver of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) rules applicable to ITS operations in the upper 30 MHz of the 5.9 GHz Band to “permit them to collectively deploy and facilitate deployment of C-V2X technology immediately.”² In order to promote the deployment of safety-critical communications systems, ITS America supports the Joint Waiver Request.

¹ *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on a Request for Nationwide Waiver of Intelligent Transportation System Rules to Use C-V2X Technology in the 5.895-5.925 GHz Band*, Public Notice, 87 FR 38403 (2022) (“*Public Notice*”).

² The Joint Waiver Request was submitted by Audi of America, Inc., Ford Motor Company, Jaguar Land Rover, the Utah Department of Transportation, the Virginia Department of Transportation, AAEON Technology Inc., Advantech Co., Ltd., Applied Information, Inc., Cohda Wireless Pty Ltd., Commsignia, Inc., Danlaw Inc., HARMAN International Industries, Inc., Kapsch TrafficCom USA Inc., and Panasonic Corporation of North America. Request

II. Background on ITS America

ITS America is an association of public and private organizations that are focused on advancing the research and deployment of intelligent transportation technologies to save lives, improve mobility, promote sustainability, and increase efficiency and productivity. ITS America represents stakeholders across the transportation industry, including state, county, and city departments of transportation, metropolitan planning organizations, automotive manufacturers and suppliers, technology companies, engineering firms, and research universities. Our members include private and public entities that are developing and deploying Vehicle-to-Everything (“V2X”) services.

For the reasons stated herein, ITS America supports the expeditious grant of the request by the Joint Parties for a waiver to deploy C-V2X technology in the 5.895-5.925 GHz band pending resolution of the FCC’s ongoing *Further Notice of Proposed Rulemaking* (“FNPRM”) in ET Docket No. 19-138.³

III. Expedited Deployment of C-V2X Technology Will Enable a Smoother and More Efficient Transition from DSRC Technology as Required by the First Report and Order and FNPRM

Pursuant to the *First Report and Order and FNPRM*, existing licensees in the 5.9 GHz band have started transitioning from Dedicated Short-Range Communications (“DSRC”) to C-V2X technology. As demonstrated in the Joint Waiver Request, public and private sector investment is being undertaken to advance the transition.

for Waiver of 5.9 GHz Band Rules to Permit Initial Deployments of Cellular Vehicle-to-Everything Technology, Ford Motor Company, et al., ET Docket No. 19-138, at 1 (filed Dec. 13, 2021) (“Joint Waiver Request”).

³ *In the Matter of Use of the 5.850-5.925 GHz Band*, ET Docket No. 19-138, First Report and Order, Further Notice of Proposed Rulemaking, and Order of Proposed Modification, 35 FCC Rcd 13440 (2020) (“*First Report and Order and FNPRM*”).

A. Expedited Deployment Will Provide Valuable Data to Allow Transportation Safety Agencies and Other Parties to Better Assess Deployment Challenges and Will Promote Public Education and Enable Early Benefits to the Travelling Public

Expedited deployment will allow interested parties to obtain valuable data regarding the transition to C-V2X and will also promote public education and acceptance of the travelling public. Indeed, grant of the Joint Waiver Request will allow rapid deployment of pilot programs nationwide. Those programs, in turn, will deliver C-V2X safety services to American travelers. Since the current rules permit only the deployment of DSRC, a technology that the Commission has decided to phase out in the *First Report and Order and FNPRM*, a grant of a waiver to allow C-V2X deployment is the only reasonable manner by which new V2X services may be provided.⁴

B. Expedited Deployment Will Incentivize Further Investment in C-V2X Technology, Promote a Competitive Environment, and Further Cooperative Efforts of Public and Private Sector Parties in Developing and Deploying Life Saving Technologies

The Commission's decision to reallocate the 5.895-5.925 GHz band exclusively to C-V2X technology has promoted stakeholder interest in investing in and developing C-V2X technologies to allow for a safer transportation network and significant safety improvements for the travelling public.

As demonstrated by the Joint Waiver Request, automakers, state departments of transportation, and equipment manufacturers share a common interest in deploying C-V2X technology expeditiously. This will promote the commitment of transportation safety agencies and other parties to continually advance C-V2X safety capabilities.

⁴ *First Report and Order and FNPRM*, 35 FCC Rcd at 13445, para. 13.

IV. Grant of Waiver is Consistent with the Goals and Objectives of the FCC in its Report and Order and Is Unlikely to Cause Harmful Interference with Existing DSRC Operations

The Commission stated that in proposing the use of C-V2X, it “sought to authorize use of technology that would be most capable of rapid development and deployment of transportation and vehicular safety-related applications now and making continuous improvements into the future.”⁵ In addition, the Commission rightfully anticipated that licensees would “want to transition to C-V2X technology as soon as possible to speed development and deployment of ITS services.”⁶

As anticipated by the Commission and as noted in the Joint Waiver Request, there is a strong correlation between incumbent DSRC operators and early C-V2X deployers.⁷ Unsurprisingly, many of the same parties that led the deployment of DSRC technology are now leading the development and deployment efforts for C-V2X technologies. As a result, those parties are in the best position to avoid causing harmful interference with existing DSRC operations and existing DSRC systems will not be unduly burdened.

V. The FCC Should Allow All Parties Seeking Early Deployment of C-V2X to Request a Grant of a Waiver Under The Same Conditions Provided to The Joint Parties

The Commission has recognized that rapid deployment of C-V2X is critical to promote the “widespread deployment of ITS services to the American automotive public.”⁸ The only commercial (non-experimental) path currently available to parties that wish to deploy C-V2X technology lies in the waiver process. Grant of waivers that encourage expedited deployment of C-V2X in the upper 30 MHz will serve the public interest.

⁵ *First Report and Order and FNPRM*, 35 FCC Rcd at 13479, para 96.

⁶ *Id.* at 13479, para 95.

⁷ *Id.* at 13465, n.156; Joint Waiver Request at 7.

⁸ *Id.* at 13456, para 36.

In light of the pressing need to deploy safety-critical communications services to protect the travelling public, ITS America urges the Commission to grant the Joint Waiver Request and allow all other parties seeking early deployment of C-V2X to request a waiver under the same conditions provided to the Joint Parties.

VI. Conclusion

For the reasons stated herein, ITS America supports the expeditious grant of the request by the Joint Parties for a waiver to deploy C-V2X technology in the 5.895-5.925 GHz band pending resolution of FCC's on-going *Further Notice of Proposed Rulemaking* in ET Docket No. 19-138.

Respectfully Submitted,

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