

FCC Proposes to Make 6 GHz Band Spectrum Available for Unlicensed Use, Proposes to Prohibit Unmanned Aircraft and Moving Vehicle Use

October 26, 2018

On October 24th, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking proposing to open new spectrum for unlicensed Part 15 use in the 6 GHz band (5.925-7.125 GHz). The FCC suggests that permitting unlicensed use of this spectrum would advance its efforts to make broadband connectivity, using WiFi and other technologies, more available.

The 6 GHz band is currently used by Fixed-Satellite Service (FSS), Broadcast Auxiliary Service (BAS), and Cable Television Relay Service (CARS) licensees, as well as for licensed fixed point-to-point transmissions. The proposed new rules would let unlicensed devices operate only in locations and on frequencies where they would not cause harmful interference to authorized licensed services and will continue to grow in the band.

The FCC proposes to permit unlicensed device operations in the 5.925-6.425 GHz and 6.525-6.875 GHz sub-bands managed by an automated frequency control (AFC) system with power levels and emissions limits comparable to existing Unlicensed National Information Infrastructure (U-NII) devices operating in the 5.15-5.25 GHz (U-NII-1) and 5.725-5.85 GHz (U-NII-3) bands. The AFC system is intended to ensure that unlicensed 6 GHz devices would not operate co-channel with any licensed fixed link (point-to-point, BAS, or CARS) within that link's defined exclusion zone. The FCC proposes finding that the AFC system is not necessary to protect FSS operations because the band is limited to Earth-to-space transmissions, which

Authors

Scott D. Delacourt
Partner
202.719.7459
sdelacourt@wiley.law

Anna M. Gomez
Partner
202.719.7261
agomez@wiley.law

Madeleine M. Lottenbach
Associate
202.719.4193
mlottenbach@wiley.law

Richard B. Engelman
Consultant
202.719.4143
rengelman@wiley.law

Practice Areas

Telecom, Media & Technology

are less prone to interference.

Unlicensed devices would be permitted to operate indoors at lower power levels in the 6.425-6.525 GHz and 6.875-7.125 GHz sub-band without an AFC system. The FCC also asks whether it should permit indoor operations at lower power levels in the 5.925-6.425 GHz and 6.525-6.875 GHz sub-bands without AFC. In addition, the FCC proposes to prohibit unlicensed access points in the 6 GHz band from operating on moving vehicles and unmanned aircraft systems.

Incumbent 6 GHz band licensees will want to follow this proceeding closely to ensure that any FCC final decision provides adequate protection to current and future planned licensed operations. Similarly, unlicensed device manufacturers and users will also want to monitor the proceeding to ensure that any final rules that may be adopted to provide adequate flexibility for future unlicensed operations without imposing excessive cost or regulatory burdens.

Comments are due 60 days after publication of the NPRM in the Federal Register and Reply Comments 30 days thereafter.

Please let us know if you would like additional information regarding this NPRM, including the details of the proposals, or if you need assistance in monitoring or filing comments in this proceeding.