



October 5, 2021

The Honorable Michael F. Doyle, Chairman
The Honorable Robert E. Latta, Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Doyle and Ranking Member Latta:

In advance of tomorrow's legislative hearing entitled, "Strengthening Our Communications Networks to Meet the Needs of Consumers," the GPS Innovation Alliance (GPSIA) is pleased to submit this letter supporting H.R. 2501, the *Spectrum Coordination Act*.

As GPSIA articulated in a February 16, 2021, letter to the White House National Economic Council, a copy of which is enclosed, the 2003 Memorandum of Understanding (MOU) between the FCC and NTIA, was signed at a time when spectrum was highly stovepiped for federal and non-federal users. When spectrum disputes did occur, they were neither as frequent nor complex as the ones these agencies must confront today.

H.R. 2501 would require an update of the nearly twenty-year-old agreement to reflect this changed and still evolving landscape, with an emphasis on "improv[ing] the process for resolving frequency allocation disputes in shared or adjacent spectrum bands." We applaud Representative Bilirakis for his leadership in introducing the legislation and stand ready to work with the Subcommittee on efforts to improve the U.S. spectrum decision-making process.

Sincerely,

A handwritten signature in black ink that reads "David Grossman".

J. David Grossman
Executive Director
GPS Innovation Alliance

Attachment

cc: The Honorable Gus Bilirakis



February 16, 2021

Mr. Brian Deese
Director, National Economic Council
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. Deese:

The Global Positioning System (GPS) will continue to play a key role as the Biden Administration seeks to bring wireless broadband to all Americans and strengthen the country's economy so that businesses and individuals can thrive in a post-pandemic world. GPS is an American innovation, fueling \$300 billion in economic benefits every year. With an estimated 900 million GPS receivers, GPS has become a fundamental technology across nearly every sector of the U.S. economy, including agriculture, transportation, construction, electricity, and finance. In many of these industries, the use of GPS has produced substantial environmental benefits, such as reduced carbon emissions, increased water efficiency, and waste reduction. GPS is also a critical tool used by our military and first responders.

That is why strong and unified leadership by the U.S. government is needed to preserve and advance GPS – leadership that recognizes the inherently unique functional and technical attributes of GPS. As a satellite-based navigation system, GPS operates in a manner that is distinctly different from terrestrial-based communications services. Given the fundamental differences in power and function between the two, it is paramount that policy formulation draw upon the expertise of the U.S. Space Force and Department of Transportation (DoT), the U.S. government's lead military and civilian agencies, respectively, for the criticality of GPS to their missions and operations. These agencies' views must continue to be a core element in any federal actions that may affect GPS.

Today, these and other federal agencies that support the GPS program, coordinate their spectrum management requirements and positions through the National Telecommunications and Information Administration (NTIA), while the Federal Communications Commission (FCC) maintains responsibility for licensing the commercial spectrum. Each has a necessary and important role to play in spectrum policy. Unfortunately, though, activities leading up to the adoption of the FCC's April 2020 *Order*, authorizing the deployment of a nationwide terrestrial wireless network by Ligado Networks, LLC (Ligado), demonstrate that the current coordination process needs reform.¹ For example, in the Ligado case, despite the stated objections of

¹ Consistent with the terms of their litigation settlements with Ligado, Garmin International, Inc. ("Garmin") and Deere & Company ("Deere") do not affirmatively endorse or oppose the deployment of Ligado's proposed communications network. GPSIA is not authorized, and does not purport to speak for Garmin or Deere with respect to this letter's discussion of the Commission's April 2020 decision in the *Ligado Order*.

13 federal agencies and departments, the FCC proceeded independently, ignoring expert federal agencies whose missions and responsibilities include management, operation, and reliance upon GPS.

Inter-agency disputes involving spectrum, though, are not unique to GPS. In recent years, the FCC has found itself at odds with NTIA and other federal agencies on spectrum allocated for intelligent transportation systems (5.9 GHz) and with spectrum located near satellites used for weather forecasting (24 GHz). While GPSIA takes no position on the substance of these matters, they reflect a continued pattern by which shared decision-making is replaced by the FCC acting with exclusive authority as the final arbiter. These decisions have enormous implications for our nation's economy, including GDP growth and job creation, as well as national defense and should, therefore, be made in collaboration with the federal agencies responsible for managing and/or using these incumbent systems and services.

As Members of Congress on a bipartisan basis have observed, we must consider ways to enhance this process for the benefit of all spectrum users. GPSIA agrees and suggests the following several ways that the existing expertise needed to preserve and advance GPS operations and benefits can best be incorporated into the federal spectrum decision-making processes:

- Updating the 2003 Memorandum of Understanding (MOU) between the FCC and NTIA. The current version of this document was signed nearly 20 years ago, at a time when spectrum was highly stovepiped for federal and non-federal users; thus, disputes were neither as frequent nor complex. An update of the MOU must reflect this changed and still evolving landscape, with an emphasis on establishing a formal process for resolving Executive Branch and FCC disputes, such as occurred in the FCC's Ligado proceeding. If necessary, Congress could consider codifying this aspect of the MOU in statute, ensuring that shared decision-making authority between the two agencies is fully embraced.
- To ensure the FCC has in-house expertise relating to GPS and other technologies that use spectrum, GPSIA recommends that the Commission's Office of Engineering & Technology maintain a detailee from one of the federal agencies responsible for managing the GPS program. This would ensure that when the FCC's technical communications experts must address positioning, navigation, and timing (PNT) issues involving GPS, they have the benefit of relevant expertise.
- Each FCC Commissioner would also benefit from having his or her own technical advisor. A practice that was discontinued years ago and proposed once again in bipartisan legislation more than a decade ago, it would ensure that, as Commissioners tackle increasingly complex technical matters, they have the benefit of an electrical engineer or computer scientist on their staff.
- Finally, we would encourage a focus on Executive Branch preparations and leadership for the ITU World Radiocommunication Conference in 2023, to ensure

that the Administration views are appropriately developed and executed in the ITU and regional bodies that participate in the WRC. Ensuring that the Administration's priorities are advanced requires a whole of government approach, with appropriate level engagement, funding and staffing at the Department of State and the NTIA.

GPSIA and its members stand ready to be a resource to the NEC and others in the Administration seeking to more efficiently allocate spectrum, while protecting critical incumbent systems and services. We thank you for your attention to these issues and for your leadership in advancing economic growth and job creation through spectrum policy.

Sincerely,

A handwritten signature in black ink that reads "David Grossman". The signature is written in a cursive, slightly slanted style.

J. David Grossman
Executive Director
GPS Innovation Alliance

cc: Hon. Evelyn Remaley
Hon. Jessica Rosenworcel
Hon. Brendan Carr
Hon. Geoffrey Starks
Hon. Nathan Simington