



# Federal Communications Commission

Washington, D.C. 20554

May 14, 2020

Dear Chairman Smith, Ranking Member Thornberry, and other distinguished members of the House Armed Services Committee:

Thank you for your May 7, 2020 letter regarding the FCC's unanimous April 19, 2020 decision in the Ligado proceeding. After a thorough and multi-year review, the FCC's professional staff of engineers and other experts determined that we can advance America's 5G leadership and protect GPS and other adjacent band services. I welcomed and supported that determination. It is not a decision that anyone at the FCC took lightly. Indeed, the proceeding had been pending at the FCC for roughly 17 years and benefited from multiple rounds of reviews, tests, and coordination efforts. Government and private sector stakeholders alike expressed earnest and differing views on the merits of Ligado's proposal. Even within the Trump Administration, officials expressed divergent views on the merits.

Secretary of State Mike Pompeo has stated that, when paired with the agency's work in other spectrum bands, the FCC's Ligado decision is "vital to our national security and will help ensure that the United States is the global leader in advanced technologies such as AI, the Internet of Things, edge computing, and the next generation of telemedicine. Accelerating the deployment of 5G is essential to our country's growth, and global economic security."<sup>1</sup>

Attorney General William Barr similarly has applauded the FCC's decision, stating that it "is essential if we are to keep our economic and technological leadership and avoid forfeiting it to Communist China. Freeing up L-band spectrum for use in tandem with the C-band, as the Chairman proposes, should greatly reduce the cost and time it will take to deploy 5G throughout the country and would be a major step toward preserving our economic future."<sup>2</sup>

Outside of the Administration, government officials have expressed similar positions on a bipartisan basis. From Senators Ron Johnson and Mark Warner to Representatives Billy Long and Doris Matsui, Members of Congress have spoken in favor of the FCC's decision.<sup>3</sup>

As your letter makes clear, this position is not shared by every stakeholder. Secretary of Defense Mark Esper and other national security officials as well as federal and non-federal users have expressed strong disagreement with the FCC's decision. The concerns they have expressed are part of why the

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<sup>1</sup> Press Statement, U.S. Dep't of State, Support for 5G and Internet of Things Development (April 16, 2020), <https://www.state.gov/support-for-5g-and-internet-of-things-development>.

<sup>2</sup> Press Release, U.S. Dep't of Justice, Attorney General William P. Barr's Statement on FCC Chairman Pai's Draft Order to Approve Ligado's Application to Facilitate 5G and Internet of Things Services (April 16, 2020), <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-s-statement-fcc-chairman-pai-s-draft-order-approve-ligado-s>.

<sup>3</sup> See, e.g., Press Release, Fed. Commc'nns Comm'n, What They Are Saying About Chairman Pai's Order on L-Band Spectrum (April 20, 2020), <https://docs.fcc.gov/public/attachments/DOC-363832A1.pdf>.

FCC's team of engineers and other experts worked for years on the analysis and strong mitigation measures reflected in the agency's final decision.

In your letter, you ask for the legal analysis that led to my decision in this proceeding. The agency has released the full 115-page decision in the Ligado proceeding, and the analysis and record evidence contained in that document and in my separate statement constitute the legal and factual basis for my decision.<sup>4</sup> That analysis includes a discussion of the NDAA issues raised in your letter.

Your letter also asks about the Department of Transportation Adjacent Band Compatibility Assessment from April 2018 ("DOT ABC Report"). The FCC's final decision contains an extensive discussion and analysis of the DOT ABC Report, and I would refer you to that full discussion for more details on the FCC's analysis of the DOT ABC Report. Your letter also asks about classified briefings from the Department of Defense. The FCC's record, as reflected in the docket and in the FCC's final decision, references all evidence that I relied on in reaching my decision in this proceeding. While this proceeding has been pending since approximately 2003, and the FCC provided a copy of its analysis to the Interdepartment Radio Advisory Committee ("IRAC") last fall, I am not aware of my office receiving a request for a separate classified briefing from the Department of Defense. As stakeholders know, including those that reviewed the draft decision the FCC circulated to the IRAC last year, we make our decisions in every case based on the full evidence and analysis reflected in our record and final agency document.

As I noted in my separate statement, Ligado made significant modifications to its original proposal to gain the FCC's approval, including greatly reduced power levels, the addition of new guard bands to protect and provide even more spectrum separation to adjacent services, and co-existence agreements with manufacturers of high-precision GPS receivers. The FCC's decision also includes extensive additional protections to adjacent band operations, including requirements for Ligado to perform drive tests and 24/7 monitoring of transmit power levels, among other detailed protection mechanisms. These firm commitments coupled with the FCC's detailed review of numerous technical studies enabled our engineers to recommend that the Commission allow the private sector to put this spectrum to a higher and more productive use. I stand by the FCC staff's expert and detailed analysis and our decision.

As you note in your letter, your committee is doing important work to facilitate and direct DoD to share as much spectrum as possible for commercial uses, given the benefits of 5G to our economy and national security. I welcome and appreciate your work on this front. And I look forward to working with you on these and other issues.

Sincerely,

*Brendan Carr*

Brendan Carr  
Commissioner  
Federal Communications Commission

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<sup>4</sup> *LightSquared Technical Working Group Report*, IB Docket No. 11-109, Order and Authorization (April 19, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-48A1.pdf>.