



# NextNav Lower 900 MHz Band Rulemaking Petition

## Ex Parte Meeting with FCC Wireless Telecommunications Bureau and Office of Engineering & Technology

### IBTTA Oral Testimony Talking Points - October 16, 2024

#### **Background**

*On October 16, 2024, a coalition of the U.S. Chamber of Commerce met with staff from the Federal Communication Commission's (FCC) Wireless Telecommunications Bureau and Office of Engineering and Technology regarding the NextNav Rulemaking petition. Meeting participants included:*

- U.S. Chamber - Matt Furlow
- IBTTA - Mark Muriello and Pat Jones
- Enterprise Wireless Alliance - Liz Sachs
- Alarm Industry Communications Committee - John A. Prendergast
- National Electrical Manufacturers Association - Alex Baker
- Utilities Technology Council - Brett Kilbourne
- Landis + Gyr - Marguerite Behringer
- FCC attendees - Melissa Conway, John Lockwood, Barbara Esbin, Roger Noel, Lloyd Coward, Jamison Prime, Aole Wilkinsel, and Bahman Badipour.

*The following Talking Points were used by Mark Muriello, IBTTA's Vice President, Policy & Government Affairs to deliver oral testimony.*

#### **Introduction**

The International Bridge, Tunnel and Turnpike Association (IBTTA) is the worldwide membership organization for the tolling and road pricing industry.

- In the U.S., we represent 131 toll operators in 33 states. Our operator members are state departments of transportation, public toll authorities, municipal planning organizations, and county and municipal governments.
- Each year, these organizations process more than 8 billion transactions and collect more than \$22 billion in public toll revenue.

#### **We oppose the NextNav petition for the following reasons.**

##### **1. *The band was mischaracterized as "largely underused."***

- Both licensed and unlicensed devices thrive in this band supporting electronic tolling; commercial vehicle clearance; and vehicle access and traffic management applications; among others.
- These technologies operate alongside many other licensed and unlicensed devices in the band, which have created a vibrant network of consumer and industrial applications.

##### **2. *Governments and motorists depend on this band to continue to work reliably.***

- U.S. toll operators use more than 120 million electronic toll tags, which are read at tens of thousands of tolling points on American roads.
- The NextNav proposal would introduce harmful interference with toll payments, affecting: (a) tens of millions of drivers, and (b) tens of billions of dollars in public toll revenue crucial for transportation funding and bondholder commitments.

##### **3. *The NextNav proposal will be virtually impossible to mitigate without significant performance degradation.***

- NextNav's plan would reduce the non-M-LMS spectrum by more than 20%, confining tolling to the duplex gap of a new high-power service operating at more than 600 times of today's power level.
  - The new system would also introduce new high-power handset transmitters in vehicles, which present a completely new interference risk to toll tags in vehicles.
- 4. Tolling systems use all of today's available spectrum to complete a read within the required standard of 99.95% accuracy.**
- Multiple frequencies are used to process three primary national protocols and to accommodate multiple simultaneous tolling transactions at each toll site.
  - At highway speeds, open-road tolling systems have less than 100 milliseconds to cycle through three protocols, successfully read a transponder, and assign it to the correct vehicle.
  - Reducing the available spectrum would result in missed reads, increased reliance on less accurate collection methods, higher transaction costs, billing errors, reduced revenue for government, and lower consumer trust and confidence in the system.
  - If the business case for deploying multi-protocol readers falls into question, the significant progress toward the Congressional goal of national toll interoperability may slow down.
- 5. Even if existing toll deployments could be protected with exclusion zones, the proposed high-power network would foreclose important future road pricing options.**
- At a time when all levels of government are seeking opportunities to diversify transportation revenue and replace declining gas tax revenue, the flexibility to deploy future road pricing sites is a paramount public policy need.
  - Beyond traditional tolling, the NextNav proposal will limit the ability to site and deploy new priced managed lanes and urban congestion pricing options which are growing in popularity and interest.
- 6. NextNav has not proposed any viable alternative spectrum bands for electronic tolling because no other options exist.**
- Options below 512 MHz have bandwidth limitations, and the 5.9 GHz band is reserved for vehicle safety applications.
  - Additionally, relocation efforts would be so substantial, costly, time-consuming, and disruptive to customers and operations, it would render them practically impossible.
- 7. NextNav's focus on the Lower 900 MHz Band overlooks other available spectrum options for a PNT system. The 600, 700, and 850 MHz bands are already standardized for 5G and would likely offer a more cost-effective solution by leveraging existing infrastructure.**
- 8. Finally, NextNav's justification for changes to the band claims that an economically viable standalone PNT service cannot operate in the Lower 900 MHz Band.**
- NextNav's proposal to lease most of the band to mobile carriers to subsidize a PNT network is an inefficient use of the spectrum and provides a financial windfall to a single commercial entity.
  - If the public interest does require the operation of a non-economic PNT service, the case should be made to Congress for a direct subsidy rather than asking the Commission to use spectrum policy to create an indirect subsidy, particularly when that action would disrupt vital public incumbent operations and preclude other beneficial band uses.

## **Conclusion**

IBTTA strongly recommends the Commission deny this petition in its entirety. If the Commission desires some form of testing to provide evidence of impact and mitigation potentials, it should suggest NextNav undertake these activities and formulate a new petition with the evidence when it is available.