



Via Electronic Filing

July 5, 2022

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Assessment and Collection of Regulatory Fees for Fiscal Year 2021, MD Docket No. 21-190; Assessment and Collection of Regulatory Fees for Fiscal Year 2022 – MD Docket No. 22-223

Dear Ms. Dortch:

As a collection of trade associations and public interest organizations representing a broad cross-section of the innovation economy, we submit the following comments to reiterate the significant economic harm of imposing regulatory fees on unlicensed spectrum users.

Wi-Fi is increasingly ubiquitous in every home and business, connecting billions of devices to the internet. Like electricity, it is rapidly becoming an input into virtually every other product and service. According to a recent study, unlicensed spectrum—Wi-Fi and so much more—generates \$95.8 billion per year in incremental sales value based on a comprehensive review of available device sales data.¹ This research underscores the significant economic value of the FCC's continued efforts to unlock additional unlicensed spectrum and why imposing a "Wi-Fi tax" would have a detrimental impact on consumers, state and local governments, corporations, non-profit organizations, schools, libraries, and many more groups.

¹ See Consumer Technology Association, *Unlicensed Spectrum and the U.S. Economy: Quantifying the Market Size and Diversity of Unlicensed Devices*, at 4-5 (Jan. 2022) (Unlicensed Spectrum Report), https://shop.cta.tech/collections/research/products/unlicensed-spectrum-and-the-us-economy-quantifying-the-market-size-and-diversity-of-unlicensed-devices?_ga=2.124771209.2036209627.1656356766-2118818048.1644440199.

We were therefore gratified to see that the *Report and Order and Notice of Proposed Rulemaking* adopted by the Commission on June 1, 2022, contains no new proposal to impose fees on unlicensed spectrum users.² As many of the undersigned organizations have expressed in prior filings, unlicensed spectrum users do not impose discrete duties on the Commission beyond the certification of equipment, as licensees and other regulated parties do. Importantly, unlicensed spectrum users, though they are very diverse, are distinguishable from licensees directly regulated by the Commission in that they receive no protection from harmful interference nor a vested right to use any particular frequency.³

The foundational principles of the Commission's approach to unlicensed spectrum—low barriers to entry, with spectrum open to all comers who comply with basic technical rules—have produced a diverse ecosystem of applications and devices, the most intensely used frequency bands, and extraordinary consumer benefits.⁴

Most recently, the Commission's decision to permit unlicensed operations in the 6 GHz band, for example, will empower innovations such as AR/VR, drones, connected vehicles, telehealth, precision agriculture, and AI. Those diverse applications (and many more) are possible in the 6 GHz band because use of that spectrum on an unlicensed basis is available to all, without a license, and without regulatory fees and associated obligations.⁵

Given that the Commission has neither sought comment, nor has any party adequately addressed the many legal and factual arguments raised in last year's record, we respectfully request that the Commission terminate this portion of the proceeding.⁶ In doing so, the Commission can deliver certainty to the innovation economy, and ensure resources are best used towards the agency's mission to promote the public interest.

² See *Assessment and Collection of Regulatory Fees for Fiscal Year 2022*, Report and Order and Notice of Proposed Rulemaking, FCC No. 22-39 (rel. June 2, 2022).

³ See, e.g., 47 CFR § 15.5.

⁴ See *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 ¶ 5 (2015).

⁵ See generally *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852 (2020).

⁶ *Assessment and Collection of Regulatory Fees for Fiscal Year 2021*, Report and Order and Notice of Proposed Rulemaking, 36 FCC Rcd 12990 ¶ 73 (2021).

Respectfully submitted,

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