

TC-1 Resolution Urging the FCC to Protect Critical Infrastructure and Ratepayer Interests in the Lower 900 MHz Band

Whereas the National Association of Regulatory Utility Commissioners (NARUC) is a non-profit organization, founded in 1889, dedicated to representing America's state public service commissions (PSCs) that regulate investor-owned utilities, ensuring that safe, reliable, and affordable utility services are provided at just, reasonable, and non-discriminatory rates;

Whereas affordability is a fundamental mission of state PSCs and, in the current period of rising energy prices, it is more important than ever to the American public that state regulators safeguard from federal actions that jeopardize rate-payer funded utility infrastructure investments and the functionality of efficiency-promoting technologies, including automated meter reading (AMR), advanced meter reading (AMI), supervisory control and data acquisition (SCADA) and electric protection systems;

Whereas the FCC has maintained for more than 30 years that approved unlicensed devices operating in the 902-928 MHz band ("Lower 900 MHz band") receive safe harbor protections from interference claims by licensees operating with higher power limits in that band;

Whereas the safe harbor for unlicensed devices has fostered a ubiquitous and dependable ecosystem enabling a vast assortment of technologies to freely coexist and use the Lower 900 MHz band without incurring transmission charges;

Whereas electric, gas, and water utilities rely widely on unlicensed low-power communications in the Lower 900 MHz band to support the devices and technologies, including AMI, AMR, and SCADA, that make up, collectively, the backbone and fabric of America's critical utility infrastructure;

Whereas more than 160 million automated and advanced electric, gas, and water meters that use the Lower 900 MHz band to transmit real-time data are currently in-service and supporting nearly 200 million Americans;

Whereas NextNav, Inc. has filed a petition (WT Docket No. 24-240) requesting that the FCC reconfigure the Lower 900 MHz band to create and award to NextNav a new, nationwide license with 15 MHz of capacity ("NextNav Petition");

Whereas the NextNav Petition proposes to use a fraction of the 15 MHz capacity to support a terrestrial-based Positioning, Navigation, and Timing (PNT) network and 5G service;

Whereas the NextNav Petition proposes that it be permitted to use the balance of the 15 MHz capacity to transmit 5G traffic for its own economic benefit;

Whereas the NextNav Petition requests that the transmission power limits applicable to its new Lower 900 MHz license be increased substantially above currently permitted levels;

Whereas the NextNav Petition requests that the FCC remove the established safe harbor protections for the Lower 900 MHz Band, thereby permitting NextNav to interfere with unlicensed devices;

Whereas the combined effect of increased interference and de-prioritization would force all users relying on the Lower 900 MHz Band into the narrow remaining portion of the band that is insufficient to support the current and future needs of unlicensed devices;

Whereas such severe interference would jeopardize grid reliability, increase latency, and weaken the ability of operators to orchestrate power supply effectively;

Whereas utility metering and critical infrastructure devices no longer protected under the safe harbor would be deemed a cause of interference to NextNav and therefore shut down and retuned or replaced;

Whereas retuning or replacing these critical, ratepayer-funded utility metering and infrastructure devices would potentially cost consumers an estimated \$100 billion to deploy replacement solutions;

Whereas existing utility metering and other infrastructure systems are currently projected to generate at least \$16 billion in benefits over the next five years based on approved utility rate cases;

Whereas such a mandate would divert billions of dollars in capital currently earmarked for grid modernization, resilience, and meeting the growing energy demands of data centers and artificial intelligence toward simply maintaining the status quo;

Whereas the FCC has issued a Notice of Inquiry (NOI) in its proceeding entitled *Promoting the Development of Positioning, Navigation, and Timing Technologies and Solutions* requesting comment on options and priorities to promote resilience and alternatives to GPS (WT Docket No. 25 110) (“GPS/PNT NOI”);

Whereas NextNav contends the 15 MHz license and rule changes it seeks are warranted because they would enable it to offer a terrestrial-based PNT solution responding to needs described by the GPS/PNT NOI;

Whereas the record responding to the GPS/PNT NOI identifies more than 50 terrestrial and space-based solutions that address GPS resilience needs - none of which involve restructuring the Lower 900 MHz band nor the imposition of massive and unnecessary costs on utilities and ratepayers;

Whereas the Lower 900 MHz band is also vital for non-utility essential services, including railroad safety networks, municipal flood warning systems, and tolling systems such as EZ-Pass;

Whereas utilities increasingly rely on the Lower 900 MHz band for Uncrewed Aerial Systems (UAS or drones) that safely inspect infrastructure, protect worker safety, and conduct rapid damage assessments after natural disasters;

Whereas the FCC recently issued a Request for Comment (DA 26-314) seeking comment on steps it could take in support of two Executive Orders (EOs): *Unleashing American Drone Dominance* and *Restoring American Airspace Sovereignty*. The FCC recognized that interference in the Lower 900 MHz band is a threat to the ongoing viability of using that spectrum for UAS;

Whereas at its winter meeting in 2013, NARUC responded to a similar threat to utility infrastructure investment and reliability by passing the Resolution to Promote Co-Existence in the 902-928 MHz Spectrum Band, which opposed the request of Progeny (now a subsidiary of NextNav) for a license and rule changes relating to location services, that, if put into effect, would materially interfere with utility AMI and Supervisory Control and Data Acquisition (SCADA) infrastructure, and recommended that the FCC require mitigation of any interference with lower power devices in the 900 MHz band before issuing a final decision; *now, therefore be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2026 Summer Policy Summit in Minneapolis, Minnesota, urges the FCC to recognize that the continued protection of critical utility infrastructure is in the broader public interest and reject the NextNav Petition to reorganize the Lower 900 MHz Band; *and be it further*

Resolved that if the FCC proceeds with this rulemaking, it must prioritize ratepayer affordability and essential service reliability by mandating that any proposed changes affecting the Lower 900 MHz band include robust technical safeguards that maintain established interference and operational protections, retain priority for unlicensed low-power users, and require NextNav to be financially responsible for the significant financial and operational burdens that it's proposal will otherwise shift to utilities, ratepayers, or the public.

Passed by the Committee on Telecommunications

Adopted by the NARUC Board of Directors on July 22, 2026