ITIF | INFORMATION TECHNOLOGY & INNOVATION FOUNDATION

June 3, 2026

The Honorable Richard Hudson
Chair
Subcommittee on Communications and Technology

The Honorable Doris O. Matsui
Ranking Member
Subcommittee on Communications and Technology

Chairman Hudson, and Ranking Member Matsui,

The Information Technology and Innovation Foundation (ITIF) commends the subcommittee for convening a hearing on the important topic of Positioning, Navigation, and Timing Capabilities.[1] This hearing is timely as the United States seeks to secure PNT systems and evaluate proposals for alternative and redundant PNT systems.

ITIF supports the goal of backup PNT systems, but we write to caution against setting up any particular proposal as synonymous with that goal. Specifically, NextNav's proposal for the FCC to unilaterally grant it greater rights at the expense of other users of the 900 MHz band is not in the public interest.

NextNav understates the complexity of its proposal. Its implementation would not be a simple case of repacking a few incumbents and filling up formerly fallow spectrum with contiguous, flexible-use licenses. On the contrary, a diverse universe of devices occupies the band, many of which are Part 15 devices that are not under the control of any Commission licensee. These extensive uses are by retailers, utilities, Internet of Things networks for everything from agriculture to oil and gas extraction, and amateur radio operators.[2]

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[1] Founded in 2006, ITIF is an independent 501(c)(3) nonprofit, nonpartisan research and educational institute—a think tank. Its mission is to formulate, evaluate, and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress. ITIF's goal is to provide policymakers around the world with high-quality information, analysis, and recommendations they can trust. To that end, ITIF adheres to a high standard of research integrity with an internal code of ethics grounded in analytical rigor, policy pragmatism, and independence from external direction or bias. See About ITIF: A Champion for Innovation, https://itif.org/about; "Chairmen Guthrie and Hudson Announce Hearing on Positioning, Navigation, and Timing Capabilities." House Committee on Energy and Commerce, May 28, 2026. https://energycommerce.house.gov/posts/chairmen-guthrie-and-hudson-announce-hearing-on-positioning-navigation-and-timing-capabilities.

[2] Mark Roberti, "Impinj CEO: RAIN RFID Industry Must Oppose Proposed Changes to 900 MHz Frequency Band," RFID Journal, February 17, 2024, https://www.rfidjournal.com/editors-views/impinj-ceo-rain-rfid-industry-must-oppose-proposed-changes-to-900-mhz-frequency-band/221538/; Cambium Networks, "Wireless Solutions for Oil, Gas, and Utility Industries" (Cambium Networks, January 16, 2018), https://www.cambiumnetworks.com/wp-

While NextNav may question whether these users are the most productive possible, its conclusory claim that the band is in fact underutilized understates the technical and policy barriers to realizing its proposal.[3]

NextNav's proposal would also come at the expense of other users with interference protection rights guaranteed by Federal Communications Commission rules. This band is somewhat unusual in that FCC rules give rights to Part 15 devices in this band that distinguish them from run-of-the-mill unlicensed devices.[4] NextNav's proposed changes to the Code of Federal Regulations would eliminate its existing obligations to protect Part 15 devices from "unacceptable interference" and the safe harbor for certain Part 15 devices.[5] That NextNav's proposal would require this change is evidence that Multilateration Location and Monitoring Service (M-LMS) users are not simply primary licensees such that unlicensed devices must accept all their interference and never cause harmful interference. Rather, it is sometimes the "unlicensed" devices that have interference protection from M-LMS and M-LMS that must sometimes accept what would otherwise be harmful interference. In such cases, NextNav's proposal is unlike one in which a licensee seeks to remove legacy restrictions on an exclusive license, and it is more like a secondary user seeking to expand its rights at the expense of users who currently own some degree of priority and legal protection. The Commission should not unilaterally transfer other parties' legal rights to NextNav.

If NextNav is right that its proposal can increase the productivity of the band without harming existing users it has a legal obligation to protect, then it should be able to come to a voluntary agreement. Indeed, NextNav has suggested it is willing to "work with Lower 900 MHz Band incumbents, including federal, ISM, and non-M-LMS, amateur, and unlicensed."[6] That kind of work could be an invaluable contribution to spectrum productivity. If successful, these arrangements would allow NextNav to do all that it asks for in its petition without relying on the FCC to force all existing users to hand over rights for which NextNav could bargain.

Policymakers are right to seek to enable more resilient PNT services. There is nothing special about the NextNav proposal or the 900 MHz band in general that necessitates its use toward that goal. Thank you for your consideration.

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content/uploads/2017/03/BR_oilGasUtilities_01162018_pages.pdf; QRZ Forums, "Could We Lose Amateur Radio on 900 MHz? Breaking NPRM News," https://forums.qrz.com/index.php?threads/could-we-lose-amateur-radio-on-900mhz-breaking-nprm-news.925041/.

[3] Petition for Rulemaking of NextNav Inc., (April 16, 2024) 6-7 https://www.fcc.gov/ecfs/document/10416238018537/1.

[4] 47 C.F.R. §§ 90.353(d), 90.361

[5] Letter from NextNav Inc. to Marlene H. Dortch (June 7, 2024) A-4 (proposing to strike 47 C.F.R. § 90.353(d) and the safe-harbor provisions of § 90.361) https://www.fcc.gov/ecfs/document/10607137757430/1.

[6] Petition at 30.

Sincerely,

Joe Kane
Director of Broadband and Spectrum Policy
Information Technology and Innovation Foundation