

Exclusive Wireless Contracts In Airports

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Advantages Of Shared Systems

- The Use Of Cooperative, Shared Wireless Infrastructure In Airport Environments Has Many Benefits
 - May Permit More Sophisticated Infrastructure To Be Built, With Greater Coverage, Greater Capacity, And/Or More Features Than Individually Possible
 - Reduces Interference Potential In Shared Channel Environments And Assures Highest Potential Throughput, Particularly In An Unlicensed Spectrum Environment
 - Permits Interoperability Amongst Users Where Desirable

Regulatory Impediments

- Exclusive Contract Shared Systems Which Prevent Tenants From Installing Their Own Systems May Be Prohibited By Federal Law
- If Prohibited On The Basis Of Interference, Federal Preemption Of Interference Issues May Intervene
 - FCC Has Said That Band Is Unlicensed, Interference Must Be Accepted And Tolerated

Regulatory Impediments

- FCC Rules Prohibits Common Carriers From Entering Into Exclusive Access Contracts With Commercial Building Owners
 - Is A Wi-Fi System A Common Carrier?
 - Not Presently, But Recent Cable Modem Access Decision In California, And Other Regulatory Activity, Might Result In A Reassessment
 - Even If Not, The Commission Might Expand To Enhanced Service Providers

Regulatory Impediments

- Over The Air Reception Device Rule (OTARD)
 - Prohibits Restrictions That Impair The Installation, Maintenance Or Use Of Antennas For Reception Of Video Programming Within Exclusive Use Or Control Of Tenant
 - Applies To Fixed Wireless Systems
 - Video Is Certainly Possible Over Wi-Fi, But Is It “Programming”?