

## Consumer Bill of Rights: Wireless Spectrum Use in the United States

Trade Show Internet (TSI) encourages all consumers to understand their rights with respect to Internet exclusivity rules. We have assembled the relevant information below to help you take advantage of the Federal protections created to preserve your wireless freedom.

### Background



Congress passed the [Telecommunications Act of 1996](#) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies. Despite the fact that Congress gave the Federal Communications Commission (FCC) the sole authority to regulate telecommunications, some hotels and convention centers attempt to place illegal restrictions on the use of wireless Internet equipment to preserve their own monopoly positions and profits. **As a consumer, the FCC protects your right to use compliant wireless devices in hotels, conference and convention centers.**

If you are asked to shut down your Internet Kit, you should defend your consumer rights with the facts below. We encourage all customers to furnish this information to any person who attempts to violate your Federal rights with respect to wireless spectrum use. You should request their full name and contact information and continue using your federally protected equipment. With your permission, TSI will submit information relating to violations of Federal wireless spectrum laws to the FCC as evidence in their ongoing investigation of in-house Internet service providers.

### Federal Regulations

Here are the **facts** supporting your federally protected consumer rights to use wireless Internet equipment at your event.

#### 1. FCC Declares WiFi Jamming/Blocking at Hotels and Convention Centers is Prohibited ([FCC Public Notice DA 15-113](#))

Expanding on previous rules and precedent, the FCC unequivocally declares that malicious interference, blocking, or jamming of consumer WiFi hotspots in hotels and convention centers is illegal. In this advisory statement, the FCC threatens substantial monetary penalties for violators. "No hotel, convention center, or other commercial establishment or the network operator providing services at such establishments may intentionally block or disrupt personal WiFi hot spots on such premises."

#### 2. FCC Clarifies Consumer Protection Extends To Hotels, Conference and Convention Centers ([FCC Public Notice DA 04-1844](#))

*"... in response to questions from the public regarding the use of unlicensed devices, including customer antennas used in hotels, conference and convention centers[...] we reaffirm that, under the Communications Act, the FCC has exclusive authority to resolve matters involving radio frequency interference when unlicensed devices are being used, regardless of venue. We also affirm that the rights that consumers have under our rules to install and operate customer antennas one meter or less in size apply to the operation of unlicensed equipment, such as WiFi access points - just as they do to the use of equipment in connection with fixed wireless services licensed by the FCC."*

### **3. FCC Fines Smart City Networks \$750,000 for Jamming/Blocking WiFi Hotspots ([Order & Consent Decree](#))**

### **4. FCC Fines Marriott \$600,000 for Jamming/Blocking WiFi Hotspots ([Order & Consent Decree](#))**

### **5. FCC [Over-the-Air Reception Devices \(OTARD\)](#) Prohibits Building Rules Restricting Use of Wireless Equipment and Antennas**

OTARD rules preempt and prohibit lease contract provisions and building regulations that restrict the use of wireless devices. Specifically, [47 CFR 1.4000](#) (a)(1)(A) provides in relevant part that:

*"Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulations, or any private covenant, contract provision, lease provision, homeowners' association rule or similar restriction, on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property that impairs the installation, maintenance, or use of: (ii) An antenna that is: (A) Used to receive or transmit fixed wireless signals other than via satellite is prohibited."*

The two primary requirements of OTARD regulations are that the restriction be imposed on property (1) that is within the exclusive use or control of the antenna user; and (2) where the user has a direct or indirect ownership or leasehold interest in the property. As a trade show organizer or exhibitor, your lease agreement provides sufficient rights to characterize your leased space as within your exclusive use or control. In the FCC's [Continental Airlines Memorandum Opinion and Order \(FCC 06-157\)](#) (a similar scenario), Continental's right to use wireless equipment in its Boston Logan Airport Lounge was upheld under OTARD rules despite the fact that the lounge was used by visitors. Similarly, attendee use of your leased event space does not impinge upon your exclusive use or control of the space. With regard to the second OTARD requirement, during the term of your lease agreement you hold a direct or indirect leasehold interest in your leased space pursuant to state property laws, and are therefore afforded OTARD protections.

### **6. TSI's Internet Kits Meet All Federal Requirements for Fixed Wireless Signals Including [47 CFR 15](#)**

TSI's 4G Internet Kit produces two types of fixed wireless signals. The Verizon Wireless USB cellular modem operates on Verizon's federally licensed private wireless spectrum at 700/800/1900 MHz. The CradlePoint Mobile Broadband Router provides wired and wireless connection options to your computers. The router's wireless (WiFi) networks broadcast within the 2.4 and 5.0 GHz unlicensed spectrum bands which are federally regulated and reserved by the FCC for public use. All of the kit's wireless signals operate on OTARD-qualifying antennas and meet all [47 CFR 15](#) Federal requirements for wireless devices. In the aforementioned [Continental Airlines Memorandum Opinion and Order \(FCC 06-157\)](#) the FCC explains the reasons why both wireless signals fall within the scope of fixed wireless signals.

4G Internet Kit Component	Wireless Network	RF Spectrum	Meets FCC Requirement
Verizon Wireless USB Modem	Verizon 3G/4G	700, 800, 1900 MHz; Licensed	OTARD 47 CFR 15
CradlePoint Mobile Broadband Router	WiFi	2.4, 5.0 GHz; Unlicensed	OTARD 47 CFR 15

**7. Telecommunications Act of 1996 Prohibits Exclusive Contracts Between Telecommunications Carriers and Building Owners. (47 CFR § 64.2500)**

If your venue's telecommunications services are provided by a **common carrier**, the FCC prohibits the carrier from entering into an exclusivity agreement with the commercial venue owner because such contracts, by definition, prohibit other carriers from serving commercial tenants. These regulations provide:

**Prohibited agreements. 47 CFR § 64.2500**

(a) No common carrier shall enter into any contract, written or oral, that would in any way restrict the right of any commercial multiunit premises owner, or any agent or representative thereof, to permit any other common carrier to access and serve commercial tenants on that premises.

**Scope of limitation. 47 CFR § 64.2501**

For the purposes of this subpart, a multiunit premises is any contiguous area under common ownership or control that contains two or more distinct units. A commercial multiunit premises is any multiunit premises that is predominantly used for non-residential purposes, including for-profit, non-profit, and governmental uses. A residential multiunit premises is any multiunit premises that is predominantly used for residential purposes.