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Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

RE: Petition of Continental Airlines, docket number 05-247

Dear Secretary Dortch,

We live in an era of public fears about security. Massport's argument about security problems being caused by the WiFi transmitter in the Continental Airlines President's Club is specious. It ignores many facts concerning 802.11 communication and Continental's existing antenna. Massport wants Continental to remove its transmitter and offers to provide service instead, for a fee, via Massport's competing provider. This provider happens to coincidentally share its revenue with Massport. It is easy to see Massport's real agenda here: monopoly sales of WiFi internet access at the airport.

802.11 WiFi access is available in millions of public places. If there were any security or interference problems with WiFi and police radios or public safety, as Massport claims, there would be news reports of such, including with Continental's existing service at Logan Airport. The news media would be all over such a story, yet I note a distinct lack of coverage on the subject.

The logical place to report such interference problems would be with the FCC. Yet, Massport appears to have made no attempt to do so. In addition, Massport has made no specific claims regarding interference. It has not even alleged that such radio interference has ever occurred. Instead, it has provided only a claim that there is a "potential risk" posed by the Continental transmitter. If interference were really an expected problem, then I would expect the FCC complaint to come from Massport, including details on the type of interference expected and reference to the FCC class of the equipment both expected to be causing the interference and expected to be interfered with.

These proceedings were started by Continental Airlines because it needs to defend itself against the fallacious arguments put forth by Massport. Evidently, Continental Airlines is not willing to roll over and subject itself to the whims of its landlord, as Starbucks and American Airlines have done. This is exactly the kind of situation that the FCC's own Over-the-Air Reception Devices (OTARD) rules were implemented for.

FCC documents regarding OTARD rules indicate that they do indeed cover data services related to Internet access. In addition, safety-related claims must meet four objectives. They must be (1) clearly defined; (2) based on a legitimate safety objective (such as bona fide concerns about RF radiation) which is articulated in the restriction or readily available to antenna users; (3) applied in a non-discriminatory manner; and (4) no more burdensome than necessary to achieve the articulated objectives.

Massport's safety claims are (1) not clearly defined. Instead, they are vague and do not make any specific comments about what safety may be at risk. They are (2) not based on any specifically articulated safety objective. They portend problems with seemingly any and all electronic systems including, of all things, their electronic keycard system. In addition, Massport's claims are (3) not being applied in a non-discriminatory manner. Continental is being told to turn its transmitter off while the airport's own vendor is allowed to operate its competing equipment. That hardly sounds non-discriminatory. Forcing one provider to turn off its equipment and purchase services from another is certainly (4) more burdensome than necessary to achieve any safety objectives.

This doesn't even begin to consider the non-leaseholder users of WiFi at Logan. WiFi equipment is ubiquitous and Continental Airlines is certainly not the only entity to use it at Logan Airport. In fact, it is in use every day by thousands of airline passengers who pass through the airport. There is nothing whatsoever preventing its use. This includes WiFi radios mounted in laptop PCs as well as portable access points which many travelers bring along for their own personal use. What makes these users different from Continental Airlines? All of them use common, off-the-shelf hardware. All of their use is licensed by the FCC.

If there is such a great risk of interference, what makes the Massport-approved vendor any different from airline passengers waiting for flights while using their own WiFi transmitters? Why hasn't Massport put up large signs banning WiFi because of the same safety and security problems that it sees in Continental's transmitter?

All indications here are that the only potential risk of interference that exists with Continental's transmitter is with Massport's revenue stream, which is certainly not regulated by the FCC. I urge you to find in favor of Continental Airlines in this matter.

Thank you,

R.E. Baum  
Managing Director  
Technical Advisors, Inc.