

**STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Continental Airlines; Petition for Declaratory Ruling Regarding the Over-the-Air Reception Devices (OTARD) Rules, *Memorandum Opinion and Order*

Today we strike a victory for the WiFi revolution in the cradle of the American Revolution. The WiFi movement embodies the spirit of American freedom, and in our action we say “don’t tread on me.” The movement has been one of the great telecommunications success stories because it enables American consumers and businesses to offer and receive broadband services at the most local levels – at any time, in any place.

In this vein, I support the application of our OTARD rules to unlicensed devices under Part 15 of our rules because these devices transmit and receive fixed wireless signals as is required by OTARD. That Part 15 services are “unlicensed” does not mean that they should be treated differently than “licensed” ones for purposes of our OTARD rules.

Of course, I am sensitive to the operational challenges presented by airport environments. And the Commission has in place numerous services and rules that allow for licensed communications by public safety and commercial entities alike in these locales. To the extent there is an interference problem with these licensed operations, particularly those involving public safety services, we should quickly step in.

But these same protections can not and should not extend to WiFi use. While unlicensed services are ubiquitous, WiFi users are not able to claim the same interference protection typically afforded licensed operators. It’s an important tradeoff, and a critical one. As we affirm today, WiFi users can freely deploy their networks in areas under their control, but, in return, must accept interference from other WiFi operators.