FCC Moves to Put Airlines in Pilot Seat on In-Flight Device Use

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"Let me say up front that, I get it. I don’t want the person in the seat next to me yapping at 35,000 feet any more than anyone else," wrote FCC Chairman Tom Wheeler in a statement discussing today's Notice of Proposed Rulemaking (NPRM) for new policies governing in-flight cell phone use.

The FCC is seeking comment on plans to retain the requirement that cell phones not be used in-flight, with one big caveat. Under the proposal, the use of mobile wireless devices would still be prohibited as a default, unless an airline installs an onboard system to manage the service.

"The prohibition, in fact, would be explicitly expanded. The current rule applies only to phones operating on the 800MHz frequency band and ignores all other cellular frequencies. This regulatory inconsistency is poor policy," Wheeler wrote.

The rule change on which the FCC is seeking comment would extend that prohibition to all frequency bands unless the aircraft is outfitted with on-board equipment that manages a cellular signal before it has the potential to interfere with terrestrial networks. Absent such equipment, the ban would remain in effect.

The proposal would not require airlines to install onboard access systems or to provide mobile wireless services to passengers on their fleets.

While many believe the ban against in-flight cell phone use was implemented to mitigate interference with aircraft electronics, the FCC actually acted in 1991 due to concerns about harmful interference to wireless networks on the ground.

"In the past two decades, technology and engineering has evolved, and specialized onboard systems that can effectively prevent interference with wireless networks on the ground have been designed and successfully deployed internationally," Wheeler explained.

Wheeler believes that onboard systems can be successfully deployed in the United States, and that the time has come to examine reforms to the agency’s outdated rules with respect to mobile wireless service onboard aircraft.

Wheeler has made it clear that he believes the decision over whether to allow in-flight cell phone use should lie entirely with the airline carriers. Last week he commented that the airlines were hiding behind an antiquated technological mandate.

Under the proposed rules, airlines would be free to make their own decisions about

whether to offer mobile wireless services at all, and, if so, which services to offer.

The FCC is seeking comment on a number of issed including how to remove existing restrictions on airborne use of mobile devices in the 800 MHz cellular and Specialized Mobile Radio (SMR) bands, replacing them with a more comprehensive framework encompassing access to mobile communications services in all mobile wireless bands. The commission is also asking for comment on how to harmonize regulations governing the operation of mobile devices on airborne aircraft across all commercial mobile spectrum bands.

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