

ACI-NA Legal Committee Workshop

Legal Issues Involving Technology and Data

Moderator:

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Digital Transformation Of Airports

- Passenger Experience
- Passenger Flow and Efficiency
- Enhanced Safety and Security
- Operational Efficiency
- Capacity Enhancement
- Revenue Generation



Legal Risks Considerations

- Data Access
- Controlling the Use of Data
- Terms of Service
- Data Privacy and Security
- Intellectual Property Rights
- Data Reliability



Legal Risks Considerations

- Data flows are becoming harder to map
- Technology often undermines barriers designed for compliance
- Regulation is increasing
- Others increasingly want access to your data
- Data integration is becoming more complex
- Contracting for outcomes is becoming more difficult



TAKING CONTROL OF TELECOMMUNICATIONS INFRASTRUCTURE

Presented by:
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September 15, 2019



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Forms of Telecom/Data Access at Airports

- Wireless
 - External Towers
 - Distributive Antennae System (Usually Inside Terminal Buildings)
- Wired (Usually Providing Service to Airport Tenants)
- Limited Discussion of 5G



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Current Condition

- ➔ Many airports have Legacy Telecommunications Company's cables running throughout without license agreements or payment of any fees to the airport.
- ➔ Telecommunications and cable companies take the position that the law allows them to continue to run cables and install infrastructure on airport roadways and even in terminal buildings.



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Applicable Laws

- Telecommunications Act of 1996, 47 U.S.C. §§253 and 332
- State Statutes
 - For example, in 2017 Florida enacted the Advanced Wireless Infrastructure Deployment Act, Codified at §337.401(7), Fla. Stat.
- Federal Communications Commission's Rulings
- FAA Grant Assurances
- Airport Security



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What Can an Airport Do

- Difficult to tackle at once.
- As Airport undertakes improvement projects, can begin to take control of where and how it allows access.
- Airport can also begin to implement access and cable infrastructure lease fees.



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Minimum Point of Entry License Agreement

- Company desires to use the Authority's MPOE, together with the non-exclusive right, privilege and authority to install, operate, inspect, maintain, modify, repair, replace, relocate, and remove any related equipment, improvements and/or accessories necessary in connection therewith for Services to the Airport.



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Sample Definition

- ➔ Authority Owned Equipment means any mechanical, electrical, and electronic equipment that are components of and required for proper operation of the MPOE, including conduit, copper and fiber optic cables and antennas. Operator Equipment that is unique to Company that could be removed/replaced without technical, operations or business impacts to the Authority or other licensees that is not Authority Owned Equipment and is otherwise defined herein as “Operator Equipment.”



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Sample Definition

- ➔ Operator Equipment means the racks, equipment cabinets (if applicable) and Equipment Shelter, cables, Monopoles (if applicable), dual polarization antennae, remote radio units, and electronic devices and base station equipment that is unique to Company and any other such equipment installed by Company and owned and controlled by the Company at the Airport in connection with its provision of the Services, as applicable and as set forth on Exhibit “B”.



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Sample General Grant of Access Rights

- General. Subject to all of the terms, covenants and conditions set forth in this License Agreement, Authority hereby grants to Company a license for the right and privilege, and Company hereby assumes the right to use the License Area, Premises and the leased space within the MPOE in connection with its Services covered by this License Agreement. Company acknowledges that such rights are subject to, and hereby agrees to comply with: (i) all applicable building codes, zoning regulations, and municipal, county, state, and federal laws, ordinances and regulations governing or regulating the Premises or its uses, including, without limitation, all rules and regulations of the FCC, the FAA, and any applicable rules and regulations of the United States Occupational Safety and Health Administration, and (ii) all covenants, easements and restrictions of record, including, without limitation, the Airport Design Guidelines.



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More on 5G

Cellular DAS and Small Cel



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5G Infrastructure—What is it?

- 5G is the next generation of wireless technology
- 5G will enable more data to be carried more quickly, but its signal does not travel as far so a denser network of “small cells” and other facilities is needed to deploy it.
- 5G will facilitate activities like driverless cars.
- Companies such as AT&T, Verizon and Sprint seek to install “small cell” infrastructure in communities across the country.



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5G Infrastructure

- Industry successful in securing legislation at federal, state, and local levels to limit rates and require prompt approval for installing 5G infrastructure on public rights-of-way
- FCC Rule
 - <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>
- Airport streets may not be considered public rights-of-way
- Airports and data companies need to determine the value of 5G in and around airport terminals
- Be aware of legislative initiatives at state and local level



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5G Infrastructure

→ Local governments fighting back

- Court Challenges

- [https://www.cadc.uscourts.gov/internet/opinions.nsf/4001BED4E8A6A29685258451005085C7/\\$file/18-1129-1801375.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/4001BED4E8A6A29685258451005085C7/$file/18-1129-1801375.pdf)

→ Resources and Articles

- FCC Website Info

- <https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g>

- Articles of Interest:

- <https://www.nrdc.org/experts/sharon-buccino/5g-and-fcc-10-reasons-why-you-should-care>
 - <https://arstechnica.com/tech-policy/2019/08/ajit-pai-loses-another-court-case-as-judges-overturn-5g-deregulation/>



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