

ALERT

# DOT Issues NPRM Proposing Voice-Call Notification Requirements for Airlines

December 12, 2016

The U.S. Department of Transportation (DOT) issued a Notice of Proposed Rulemaking (NPRM) on December 8, proposing a requirement for airlines to provide adequate advanced notice to passengers if they allow passengers to make voice calls using mobile wireless devices during flights. Under the proposed rules, airlines would be free to set their own voice-call policies so long as they provide advanced notice when they will allow voice calls. The NPRM also seeks comment on whether to prohibit airlines from allowing voice calls via passenger mobile wireless devices altogether.

This NPRM is broader than the Federal Communications Commission's (FCC) existing rules, which prohibit airborne use of mobile devices operating on certain spectrum bands, but do not prohibit Wi-Fi calls. The FCC issued a proposal in 2013 that would allow the use of mobile devices on airplanes.

DOT's proposal would cover all calls whether made on a commercial mobile frequency, Wi-Fi, or via other means. Its proposal regulates voice calls "as a matter of consumer protection" rather than a matter of ensuring aviation safety or preventing interference.

Comments are due 60 days after the NPRM's publication in the Federal Register. Commenters should use the docket number DOT-OST-2014-0002.

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## Practice Areas

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