

## **FHH Telecom Law** **September, 2007**

### **Spectrum Etiquette Hath Charms to Soothe the Savage, er, Bosom**

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As reported elsewhere in this issue (*see* article on Page 1), the FCC is considering applying “spectrum etiquette” rules to the 900 MHz band and possibly other unlicensed spectrum. Somehow the notion of spectrum etiquette calls to mind images of white-gloved spectrum users placing doilies under their equipment racks and bowing and curtsying to each other before initiating transmissions. “Please, my good sir, after you.” “Tut, tut. I wouldn’t dream of it. After *you*.” “No, no, after *you*!” And so on.

Given the usual smashmouth, rough and tumble, elbow-in-the-kidney atmosphere of the electromagnetic school yard, this call for genteel civility is both slightly comic and very welcome. It’s not simply a matter of the FCC proposing to rap our knuckles with a ruler while telling us to sit up straight. As our maiden aunts would have taught us if any of us still had maiden aunts, etiquette is just a formalized protocol for dealing with other people respectfully, thoughtfully and graciously. Depending on whether you take a dim Hobbesian or glowing Rousseauian view of human nature, etiquette either restrains our usual savage, selfish and brutish impulses or reflects our fundamental kindness and cooperativeness toward other living creatures. Normal day-to-day human interactions are at once simplified, softened and expedited by the quaint expedients of please, thank you, you’re welcome, and after you.

Cellular carriers found in the 1990’s that when the FCC permitted service areas to extend over license boundaries into adjacent territories, the expected chaos did not occur. Instead, neighboring carriers found that they had to cooperate and coordinate with each other to avoid mutually harmful interference. Self-interest led to what looked suspiciously like actual consideration for others. So maybe there is something to be said for plain old politeness as a device for sharing a common resource fairly among competing users without the FCC having to referee the interactions.

And thank you so much for your kind attention.