



Public Wireless Networks – Exemption of User Stations

Burnside Desktop Cellular Terminal



Presented by:
David Robson
Burnside Telecom Ltd
Tel: 08 700 762 766
Email: drobson@burnsidetelecom.com
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BACKGROUND

As a result of recent trade press comment on the legality of GSM Gateways and Fixed Cellular Terminals¹ and at the request of some of the mobile network operators Burnside Telecom has prepared a short paper on the topic of Public Wireless Networks – Exemptions of User Stations and how it relates to the new Burnside Desktop Cellular Terminal.

In 1949 the Wireless Telegraphy Act determined that wireless telegraphy apparatus that was not specifically exempted from licensing must be licensed otherwise its use was illegal. The widespread use of GSM handheld terminals [aka] mobile phones led to the current Wireless Telegraphy Exemption Regulations exempting 'mobile' terminals and defined mobile terminals as 'user stations'. In other words the definition of user station only applied to a mobile station.

Unfortunately those who drafted these Regulations were either not aware or ignored the existence of 'fixed' GSM terminals. This has led to the absurd anomaly that such fixed terminals or GSM gateways are illegal despite the fact that all network operators supply or recommend such terminals to their corporate customers. Indeed vending machines, ATMs, credit card authorisation terminals, CCTV cameras, remote meters and telematic devices that use fixed GSM modules or modems are also unlicensed and are therefore also illegal.

Furthermore the Exemption Regulations determined that user stations may not be used to provide a telecommunications service 'by way of business' i.e. commercially.

Fortunately the body responsible for such legislation namely the Radiocommunications Agency [part of the Dept of Trade and Industry] now recognise these anomalies. Consequently in November of 2002 RA released a consultation document inviting views on regulatory issues relating to fixed user stations.

The document contained two proposals:

Proposal 1: It is proposed that the definition 'user station' be amended to cover any customer of the network, irrespective of its fixed or mobile status; and

Proposal 2: It is proposed that the [for private use only]² restriction on the type of service that may be provided via network user stations will be withdrawn

By the time the consultation exercise had closed on 21st February 2003 the RA had received 33 responses including those from Nokia, Ericsson and all of the major network operators in the UK. These are shown on RA's web site³. Every respondent voted to accept Proposal 1 with the exception of Tesco.

So if the Exemption Regulations are amended to also exempt fixed GSM terminals or gateways and define them as user stations it would still be illegal to use such

¹ Operator to seek bar on £600m call routing MOBILE 31 Jan 03
Gateways to be probed by Oftel MOBILE 4 July 03

² Authors comments in brackets

³ <http://www.radio.gov.uk/topics/pmc/consult/publicwireless/responses/>

gateways for the purposes of providing a public or commercial telecommunication service. Hence the reason for Proposal 2.

A majority of the respondents voted to accept Proposal 2. Those who voted to the contrary included Hutchinson 3G, O2, T-Mobile and Vodafone. These parties submitted a joint response giving the following reasons for rejecting Proposal 2:

- Spectrum Management and network planning concerns;
- Consumer detriment as a result of service disruption or service unavailability;
- Lawful interception requirements on operators/security concerns;
- Legal issues

Burnside Telecom can find no objection by any party to the use of this type of equipment for private purposes which indeed is as previously stated is confirmed by the fact that all mobile network operators either supply or recommend fixed terminals to their customers for their own use.

SO WHAT ARE THE IMPLICATIONS FOR THE BURNSIDE DESKTOP TERMINAL?

Unlike most fixed cellular terminals, the Burnside Desktop GSM Terminal is designed for desktop use since it uses an LCD to help the user in set up mode and routine use. It is capable of shifting its position readily. That is the Oxford English Dictionary's definition of 'mobile'. So in the opinion of Burnside, its new terminal should be defined as a mobile and hence comes within the present definition of a user station and is therefore exempt from the 1949 Wireless Telegraphy Act.

The architecture of the Burnside Terminal is such that it can only contain one SIM and is for desktop use. It can also be connected to the analogue trunk of a PBX so that calls to mobiles from PBX extensions may be made directly to mobiles. However it is totally unsuited for use by those wishing to offering a multiline service.

Whereas GSM Gateways from companies such as the Ateus Multiline GSM gateway⁴ and Telecom Protection Technologies Ltd [distributed by Hugh Symons] are specifically designed for those who wish to operate a commercial service. It is this type of use that Hutchinson 3G, O2, T-Mobile and Vodafone have objected to in their response to proposal 2.

In conclusion there is no impediment to any customer of Burnside Telecom using its new terminal for any type of cellular GSM communication as long as it is not used for the purpose of offering a commercial gateway service.

⁴ http://www.mobilecomms-technology.com/contractors/gsm/2n_tele/2n_tele1.html