

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Waiver of Industrial Signal Booster)	WTB Docket No. 19-272
Labeling Requirements)	

REPLY COMMENTS OF SURECALL

Surecall herein files these brief reply comments to respectfully disagree with T-Mobile USA, Inc. (“T-Mobile”) regarding its suggestion that Pivotal Commware be required to comply with the labeling requirements for Consumer Signal Boosters with respect to Pivotal’s Echo 5G Subscriber device.¹ As Surecall highlighted in its Petition to Deny, Pivotal’s signal booster does not comply with the Commission’s carefully developed rules for Consumer Signal Boosters.² Of particular concern, Pivotal’s product does not satisfy the Network Protection Standard (“NPS”) that was developed on a cooperative basis by all industry stakeholders. The NPS ensures that technical measures are in place to address such critical issues as noise, bidirectional capability, gain, power, out-of-band emissions, intermodulation, antenna kitting, uplink inactivity and interference safeguards applicable to oscillation and gain control.³

Given the fact that Pivotal’s product does not comply with the NPS, allowing Pivotal to label its booster product in the same manner as NPS-compliant Consumer Signal Boosters would cause significant confusion in the marketplace and result in harmful interference to wireless networks. It would also give Pivotal an unfair and substantial competitive advantage in several

¹ See Comments of T-Mobile USA, Inc., WTB Docket No. 19-272 at 1 and 3-4 (Sept. 30, 2019) (“*T-Mobile Comments*”).

² See Petition to Deny of Surecall, WTB Docket No. 19-272 (Sept. 30, 2019).

³ 47 C.F.R. § 20.21(e)(8) & (9).

respects. First, it would give Pivotal a government-sanctioned monopoly on the sale of Consumer Signal Boosters that are authorized to operate in millimeter wave frequencies (since the Commission's rules do not authorize the sale of Consumer Signal Boosters that operate in the 5G spectrum bands). Second, it would permit Pivotal to market its non-NPS-compliant booster as comparable with NPS-compliant Consumer Signal Boosters that are more expensive to manufacture due to the additional technology involved in satisfying the NPS to prevent harmful interference to wireless networks. The Commission should not facilitate such distortion of the market to the detriment of the nation's wireless networks, consumers and the Consumer Signal Booster industry.

Pivotal's claim that its product will operate at relatively low power⁴ should not sway the Commission in considering its request for waiver of the labeling requirements for Industrial Signal Boosters. Prior to the adoption of the NPS in 2013, many of the booster products that were causing significant interference to wireless networks were very low powered devices. Numerous factors can contribute to the generation of interference into wireless networks regardless of the power of the transmitter, such as the distance between the booster and surrounding cell towers. For example, a low powered booster can have a substantial impact on a tower if it oscillates. This is why the NPS addresses numerous important technical considerations such as oscillation and noise, which can create significant interference to a network regardless of the transmit power of the device. The key to wireless network protection is to enforce the NPS requirements, rather than grant exceptions to manufacturers that claim to have developed new technologies, but have no documented track record of reliable performance.

⁴ See Letter from Robert S. Koppel, Counsel to Pivotal Commware, to Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, WT Docket No. 19-272 at 2 (Sept. 26, 2019).

Pivotal's claim that its booster employs beam forming capabilities⁵ could make the potential for interference even worse because the use of narrow beams and high gain will increase the noise and interfering emissions to the victim tower. Pivotal's further claim that its booster product can be remotely monitored and shut down by carriers⁶ also does not make it safe for use on wireless networks. A remote shutdown capability—which Surecall also incorporates into many of its signal boosters—only enables a carrier to correct interference that is already harming its network and only after the interfering booster has been located. Identifying an interfering booster can be very difficult. Thus, interference to wireless networks can be prolonged while the interfering booster is located.

Further, a remote shutdown capability can only be used by the carrier that supplied the booster to the subscriber, not by other carriers that may experience interference from the booster on their networks. As Surecall has previously noted, Pivotal has failed to demonstrate that its product can operate solely on the frequencies of a single wireless carriers. Millimeter wave spectrum assignments are likely to be noncontiguous and vary in bandwidth in different locations and Pivotal has provided no evidence that its product can adjust automatically to reflect local conditions. Therefore, it appears likely that Pivotal's booster will retransmit the signals of multiple wireless carriers in many locations, resulting in interference to the networks of wireless carriers that may have no customer relationship with the booster operator.

Thus, rather than permit Pivotal to benefit from the labeling requirements for Consumer Signal Boosters, the Commission should prevent customer confusion and interference to wireless

⁵ *See id.*

⁶ *See id.*

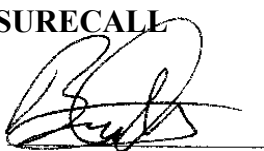
networks by requiring Pivotal to label its product as a non-NPS compliant Industrial Signal Booster. As T-Mobile correctly observes, it would be highly inappropriate to exempt Pivotal's product from all of the Commission's labeling requirements for booster products.⁷ Instead, "labeling requirements are essential for minimizing the potential for signal boosters (i) to cause interference and (ii) to be operated incorrectly."⁸ Thus, enforcement of the existing rule that Pivotal's product be labelled as an Industrial Signal Booster would help consumers recognize that Pivotal's product does not satisfy the detailed technical requirements for Consumer Signal Boosters.

Finally, of course, the Commission should aid consumers and the entire wireless industry by promptly initiating a rulemaking proceeding on updating its rules for Consumer Signal Boosters, including the NPS, to establish technical requirements for booster products that are designed to support 5G communications, including 5G networks that will operate in millimeter wave frequencies. Such action will ensure that all manufacturers of signal boosters are able to market a new generation of booster products that can extend the reach of 5G networks and ensure the availability of very high speed broadband networks to all consumers.

Respectfully submitted,

SURECALL

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October 7, 2019

⁷ See *T-Mobile Comments* at 4.

⁸ *Id.* (paraphrasing the previous conclusions of the Commission on this issue).