

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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

**SUR-REPLY OF SURECALL**

Surecall herein files this brief sur-reply to address Pivotal Commware’s misleading statement that it is only seeking a waiver of the Commission’s Industrial Signal Booster labeling requirement and nothing more.<sup>1</sup> As Surecall explained in its Petition to Deny, Pivotal is seeking to disregard both the Commission’s labeling rule for Industrial Signal Boosters and also the substantive restrictions that are articulated in the label.<sup>2</sup> Specifically, the label cautions that:

WARNING. This is NOT a CONSUMER device. It is designed for installation by FCC LICENSEES and QUALIFIED INSTALLERS. You MUST have an FCC LICENSE or express consent of an FCC Licensee to operate this device. Unauthorized use may result in significant forfeiture penalties, including penalties in excess of \$100,000 for each continuing violation.

Pivotal, however, wants to disregard each of these prohibitions in that:

- It wants its product to be sold by carriers directly to consumers,
- It does not want to use professional installation by qualified installers, and
- It wants consumers to use its product in the same manner as a Consumer Signal Booster.<sup>3</sup>

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<sup>1</sup> See Reply Comments of Pivotal Commware, WTB Docket No. 19-272, at 2 (Oct. 2, 2019) (“*Pivotal Reply Comments*”).

<sup>2</sup> See Petition to Deny of Surecall, WTB Docket No. 19-272, at 4 (Sept. 30, 2019) (“*Surecall Petition*”).

<sup>3</sup> See Pivotal Commware Request for Waiver of Section 20.21(f), WTB Docket No. 19-272, at 2 (Sept. 16, 2019).

As both AT&T and T-Mobile have observed,<sup>4</sup> Pivotal's product essentially is a Consumer Signal Booster, except that Pivotal's product does not comply with the Commission's carefully developed rules for Consumer Signal Boosters. The Commission should not permit Pivotal to misuse its regulatory processes in this manner.

As Surecall explained in detail in its petition, significant harm can result to wireless networks if Pivotal is permitted to market a booster for consumer use without complying with the rules for Consumer Signal Boosters, including the critically-important Network Protection Standard.<sup>5</sup> Importantly, Pivotal made no effort in its reply comments to challenge Surecall's observation that Pivotal's product is likely to cause harmful interference on the wireless networks of multiple carriers, including carriers that have not consented to the operation of Pivotal's booster.<sup>6</sup> Pivotal also refrained from challenging Surecall's argument about the relatively high gain of Pivotal's product and the tremendous risk of oscillation, excessive signal noise and out-of-band emissions that could result if Pivotal's booster is not made NPS-compliant.<sup>7</sup>

Pivotal suggests only that the Commission's technical requirements for Industrial Signal Boosters will adequately protect wireless networks from interference,<sup>8</sup> but Pivotal is incorrect in

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<sup>4</sup> See Reply Comments of AT&T Services, Inc., WTB Docket No. 19-272, at 1 (Oct. 7, 2019) ("*AT&T Reply*") (noting that "[b]ased on the content of Pivotal's Petition, AT&T agrees with T-Mobile that Pivotal's device is akin to a Consumer Signal Booster"); Comments of T-Mobile USA, Inc., WTB Docket No. 19-272 at 1 and 3-4 (Sept. 30, 2019) (observing that "the device is akin to a Consumer Signal Booster").

<sup>5</sup> See *Surecall Petition* at 5-6.

<sup>6</sup> See *id.* at 5.

<sup>7</sup> See *id.*

<sup>8</sup> *Pivotal Reply Comments* at 3.

this regard. The technical rules for Industrial Signal Boosters are much more lenient than those for Consumer Signal Boosters, having been premised on requirements that Industrial Signal Boosters be installed and tested by professionals in close coordination with wireless network operators. Pivotal's unproven out-of-the-box approach involving consumers in their homes cannot satisfy these standards.

Therefore, the Commission should refrain from granting Pivotal a waiver of any of the Commission's rules. Instead, as AT&T observes in its reply comments<sup>9</sup> and as Wilson Electronics has argued in a separate proceeding,<sup>10</sup> the Commission should promptly initiate a rulemaking proceeding on adapting the Commission's rules for Consumer Signal Boosters in order to enable the marketing and operation of a new generation of Consumer Signal Boosters in millimeter wave spectrum.

Respectfully submitted,

**SURECALL**

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<sup>9</sup> See *AT&T Reply* at 6.

<sup>10</sup> See Letter from Russell D. Lukas, Counsel to Wilson Electronics, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WTB Docket 10-4, at 1 (Oct. 7, 2019) (explaining that “[m]illimeter wave transmissions present propagation challenges that can be overcome with the use of” Consumer Signal Boosters (“CSBs”) and noting that “the Commission’s network protection standard for CSBs can be employed to prevent interference to all 5G networks”).