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**Subject:** Docket 13-111 (Prison cellphone issues) - Observations on the draft R&O/FNPRM  
**Date:** March 3, 2017 at 10:17 AM  
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I timely filed the attached comments in this proceeding.

Many of the issues in these comments are not addressed at all in the draft item.

Oddly, these comments do not appear to be available now on ECFS. I wrote about these comments in 2013 (<http://www.marcus-spectrum.com/Blog/files/13-111comm713.html>) and at that time they had the following URL on ECFS: <http://apps.fcc.gov/ecfs/document/view?id=7520931320>

That URL no longer works. I do not know why these comments have disappeared and assume it is just an IT glitch.

Let me also point out that the South Carolina Department of Corrections petition, cosigned by dozens of state and local corrections agencies, <https://ecfsapi.fcc.gov/file/7019909076.pdf>, is also **never** mentioned in the draft. This is odd treatment of a petition from a state government.

I applaud the draft for the requirement on ALL carriers discussed in para. 62-63 to “negotiate in good faith”. While this is the stated goal of the large CTIA members, they are not the *only* carriers now and in the future.

I although thank the Commission for the new requirement in para. 76-77 on network change coordination. Unfortunately it is limited to “adding new frequency band(s) to their service offerings or deploying a new air interface technology (e.g., a carrier that previously offered CDMA deploying LTE)”. Let me point out that today’s air interfaces such as LTE are not “frozen in stone” and that a CIS may use features of one version of LTE that may change in a minor version modification and adversely impact CIOS operation. In addition the routine activation of new base stations near a prison or changing the spectrum usage of one base station near a prison may also adversely affect CIS effectiveness. While the cellular carriers view CIS as a “painless” alternative to jamming, the reality is that an effective CIS system needs fine tuning as the cellular network near the prison changes and as the air interface changes ***even in minor ways***.

For example, if a cellular band that previously had a weak signal in the prison from a distant base station suddenly has a much stronger signal due to activation of a new base station close to the prison, the CIS signal strength in that band may no longer be strong enough in parts of the prison for effective operation. This would require either new antenna sites in the CIS systems or increased power to restore effective operation. The time needed to accomplish this would then be a security issue.

While it would be complex at this stage to adopt a specific rule that would work in all cases, I urge the Commission to state in the R&O that it expects carriers to work with CIS developers and operators to assure that network changes near a prison do not come as a surprise and do not create periods that require rapid unexpected CIS modifications to restore CIS effectiveness in response to an unexpected network change.

As a general point, prisons come in all sorts of sizes and locations. Most, but not all, maximum security prisons are in rural areas and have significant spatial buffer around them. This space enables location based denial of all cell service using E-911 location ability. If the responsible state or local government bans all cell phone use on prison property, I do not see why FCC should not then mandate cellular carriers to deny “dial tone” to cell phones in such areas where there are large spatial buffers. Thus the logic of para. 127 makes not sense if all cellular use is banned on prison property and this property is large enough to permit highly reliable identification of calls originating from inmate accessible areas.

Also in such prisons with large spatial buffers the arguments of the industry against allowing ***any*** jamming just do not make technical sense. (I have indicated in my comments that they don’t make legal sense either and that the Commission has never endorsed the CTIA position that Section 333 prevents it from authorizing jamming if it found it to be in the public interest in some circumstance as NTIA has done from time to time. Nothing in Section 333 indicates that its application to the Section 301 authority of FCC is any different than its application to the Section 305 authority of the President/NTIA.)

I will file an *ex parte* notice about this message.

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