

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Technological Solutions to Combat)	GN Docket No. 13-111
Contraband Wireless Device Use in)	
Correctional Facilities)	
_____)	

REPLY COMMENTS OF GLOBAL TEL*LINK CORPORATION

Global Tel*Link Corporation (“GTL”),¹ by its attorneys, respectfully submits these Reply Comments in the above-captioned proceeding, which was initiated to facilitate technological solutions and remove barriers to the development and viability of existing and future technologies used to combat contraband wireless devices in correctional facilities.²

INTRODUCTION AND OVERVIEW

Two things are abundantly clear from the record of this proceeding. First, a one-size-fits-all solution is not workable, feasible, or desirable. Correctional facilities must have the ability to use any and all available tools to mitigate the public safety harms associated with the use of contraband wireless devices in the correctional setting. The Commission’s rules should support a variety of solutions to the problem of contraband wireless devices, which will ensure correctional facilities can select the best approach to meet their specific needs.

Second, the success of any solution is premised on the willingness of the wireless industry to work cooperatively and collaboratively with all stakeholders. The Commission must require wireless carriers to participate and assist in those efforts because they are essential to

¹ These comments are filed by GTL on behalf of itself and its wholly owned subsidiaries that also provide inmate calling services: DSI-ITI, LLC, Public Communications Services, Inc., and Value-Added Communications, Inc.

² *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, 32 FCC Rcd 2336 (2017) (“*Order and FNPRM*”).

eliminating the use of unauthorized wireless devices in correctional facilities.³ The “lack of cooperation of even one wireless provider can seriously degrade the effectiveness” of efforts to combat contraband wireless devices.⁴

Contraband wireless devices in correctional facilities continue to be a real and serious public safety issue.⁵ A Commission-convened working group of correctional facilities, wireless carriers, inmate calling service (“ICS”) providers, and technology vendors appears necessary to achieve broad acceptance by all stakeholders of technological solutions to combat the “serious threats posed by the illegal use of contraband wireless devices by inmates.”⁶ And any policies governing such solutions must be administered even-handedly to ensure efficiencies and burdens of deployment and operation are distributed in a manner among stakeholders that best serves the public interest of protecting against the public safety harms flowing from this ongoing serious threat.

I. THE RECORD DEMONSTRATES THERE IS NO SINGLE SOLUTION TO SOLVE THE USE OF CONTRABAND WIRELESS DEVICES IN CORRECTIONAL FACILITIES

While managed access systems (“MAS”) and other types of Contraband Interdiction Systems (“CIS”) may work for some correctional facilities, the record demonstrates that MAS is

³ *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities, et al.*, 28 FCC Rcd 6603, ¶ 70 (2013) (“2013 NPRM”).

⁴ *Order and FNPRM* ¶ 77.

⁵ See, e.g., *Order and FNPRM* ¶¶ 3-4; Tennessee Department of Corrections at 3-4; see also Maya T. Prabhu, *Prisons director: Inability to block cellphone signals led to South Carolina inmate’s escape*, THE POST AND COURIER, July 9, 2017, http://www.postandcourier.com/politics/prisons-director-inability-to-block-cellphone-signals-led-to-south/article_e096c79c-6346-11e7-9d18-2bfc2a2ddad5.html; Chris Pickering, *Cellphones dangerous in prisons*, SPRINGFIELD NEWS-LEADER, July 1, 2017, <http://www.news-leader.com/story/opinion/contributors/2017/07/01/cellphones-dangerous-prisons/432065001/>; Teresa Wiltz, *States bedeviled by contraband cellphones in prisons*, PBS NEWSHOUR, June 7, 2016, <http://www.pbs.org/newshour/runtdown/states-bedeveled-by-contraband-cellphones-in-prisons/>.

⁶ *Order and FNPRM* ¶ 1.

not the solution favored by the correctional community.⁷ According to the American Correctional Association, MAS should not be viewed as the best or final solution given the problems with implementation, effectiveness, cost, overbreadth, and gaps in coverage inherent in MAS deployments.⁸ The Tennessee Department of Corrections explains that MAS is complicated and expensive to implement, even with the streamlined licensing process previously adopted by the Commission.⁹ Another state correctional facility reported it is “dropping managed access as being too expensive and not effective enough to warrant continued expense.”¹⁰

Commission rules must ensure that a correctional facility has sufficient options to implement whichever technological solution best meets its needs. As GTL has explained, a correctional facility’s specific needs and requirements will vary based on facility size, type, location, and other factors.¹¹ Correctional facilities “need more, not fewer potential solutions” to combat this serious public safety issue¹² and the correctional facility is in the best position to determine the value and benefit of each technology.¹³

One solution that shows much promise is beacon technology, which has the capability of rendering a wireless device completely incapable of use once the beacon is activated.¹⁴ According to one commenter, this technology has been developed over many years after research

⁷ See, e.g., American Correctional Association 2017 Comments at 2; Arizona Department of Corrections 2017 Comments at 2; Tennessee Department of Corrections 2017 Comments at 5; Cell Command 2017 Comments at 9.

⁸ American Correctional Association 2017 Comments at 3.

⁹ Tennessee Department of Corrections 2017 Comments at 5.

¹⁰ GN Docket No. 13-111, Cell Command, *et al.* Ex-parte Letter at 3 (dated June 30, 2017).

¹¹ GTL 2017 Comments at 3-4.

¹² Association of State Correctional Administrators 2017 Comments at 2.

¹³ Prelude Communications 2017 Comments at 1.

¹⁴ See, e.g., GN Docket No. 13-111, Try Safety First, Inc. Notice of Ex Parte (Mar. 8, 2017).

and discussions with carriers, correctional facilities, and Commission staff.¹⁵ The Commission has recognized the benefits of beacon technology,¹⁶ and several correctional facilities note that beacon technology meets all of the requirements and is a cost-effective solution.¹⁷ The Commission should ensure its rules allow for the use of beacon technology if that is the technological solution a correctional facility seeks to implement.

II. THE RECORD CONFIRMS WIRELESS CARRIERS MUST BE ACTIVE AND WILLING PARTICIPANTS IN THE DEPLOYMENT OF ANY TECHNOLOGICAL SOLUTION

Wireless carriers assert they are ready and willing to address the problem of contraband wireless devices in correctional facilities,¹⁸ yet they continue to oppose streamlining the device termination process and have indicated an unwillingness to support the use of technologies other than MAS.¹⁹ Adoption of the wireless carriers' recommendations would only add to the administrative and legal burdens currently imposed on correctional facilities attempting to stop the use of contraband wireless devices, while at the same time, limit the wireless carriers' responsibility for the problem.²⁰ All "technological solutions require meaningful carrier action

¹⁵ GN Docket No. 13-111, Cell Command, *et al.* Ex-parte Letter at 2 (dated June 30, 2017).

¹⁶ *Order and FNPRM* ¶ 130.

¹⁷ *See, e.g.*, American Correctional Association 2017 Comments at 3; Association of State Correctional Administrators 2017 Comments at 2; *see also* GN Docket No. 13-111, Cell Command, *et al.* Ex-parte Letter at Exhibit A (dated June 30, 2017) (listing the correctional facilities advocating for beacon technology).

¹⁸ *See, e.g.*, AT&T 2017 Comments at 1-2; T-Mobile 2017 Comments at 1; Verizon 2017 Comments at 3.

¹⁹ For example, the wireless carriers continue to claim a court order is necessary before service to a contraband wireless device can be terminated. *See, e.g.*, AT&T 2017 Comments at 2-3; CTIA 2017 Comments at 5-6; T-Mobile 2017 Comments at 5. As the Commission already noted, requiring a court order is "unnecessarily burdensome" and "it is far from clear that a CMRS provider that terminates service to a particular device based on a qualifying request would be exposed to any form of liability." *See Order and FNPRM* ¶¶ 83. Commenters also oppose any requirement that a court order be obtained prior to termination of service to an unlawful and unauthorized wireless device in a correctional facility. *See, e.g.*, Florida Department of Corrections 2017 Comments at 1; Arizona Department of Corrections 2017 Comments at 1.

²⁰ *See, e.g.*, CTIA 2017 Comments at 7-8 (arguing that wireless provider responsibilities should be limited, and the Commission should refrain from imposing other rules on wireless carriers).

and cooperation; not mere lip-service.”²¹ Broad acceptance by all stakeholders is essential to combat contraband wireless device use; wireless carriers must “be part of the solution, instead of being part of the problem.”²²

For these reasons, the comments overwhelmingly support action by the Commission to mandate wireless carriers’ full and active participation.²³ It is undisputed that the success of nearly every potential solution to the contraband wireless device problem is dependent on the wireless industry. Correctional facilities cannot terminate service to an unauthorized device without assistance from the wireless industry, nor can beacon technology be fully implemented without the necessary software being installed on wireless devices. The record is clear: no technological solution will be successful unless and until the wireless industry is part of the solution,²⁴ and this will require Commission intervention.

III. A COMMISSION-CONVENED WORKING GROUP TO ADDRESS THIS IMPORTANT PUBLIC SAFETY ISSUE MAY BE NECESSARY

There is broad support for the establishment of a working group to address potential solutions to the problem of contraband wireless devices in correctional facilities.²⁵ Some commenters believe a Commission-sanctioned group is the only way to bring wireless carriers to the table and secure their full and active participation.²⁶ The Commission consistently has used working groups or federal advisory committees to provide advice, technical support, and

²¹ Association of State Correctional Administrators 2017 Comments at 2.

²² Association of State Correctional Administrators 2017 Comments at 2.

²³ See, e.g., American Correctional Association 2017 Comments at 3; Association of State Correctional Administrators 2017 Comments at 2; Arizona Department of Corrections 2017 Comments at 1; Tennessee Department of Corrections 2017 Comments at 1.

²⁴ Association of State Correctional Administrators 2017 Comments at 2.

²⁵ American Correctional Association 2017 Comments at 4-5; CellBlox 2017 Comments at 6-7; see also CTIA 2017 Comments at 2 (indicating it welcomes the opportunity to work with the Commission and other stakeholders).

²⁶ See, e.g., Arizona Department of Corrections 2017 Comments at 1; Association of State Correctional Administrators 2017 Comments at 2; Tennessee Department of Corrections 2017 Comments at 6.

recommendations to the Commission on a wide array of matters.²⁷ Such groups usually are comprised of representatives from the key industries involved, which in this case, would be correctional facilities, wireless carriers, ICS providers, and technology vendors. Establishment of a working group will facilitate technical discussions and assist with the development of technical standards for the benefit of all stakeholders, as well as address funding and other issues inherent in the deployment of any technical solution intended to combat contraband wireless devices in correctional facilities.²⁸

²⁷ For example, the Commission recently has established or renewed the following working groups: (1) Internet Policy Working Group to assist the Commission in identifying, evaluating, and addressing policy issues as telecommunications services move to Internet-based platforms, *see* <https://www.fcc.gov/internet-policy-working-group>; (2) Competitive Access to Broadband Infrastructure and Removing State and Local Regulatory Barriers Working Group to provide advice and recommendations to the Commission on how to accelerate the deployment of high-speed Internet access, *see* https://apps.fcc.gov/edocs_public/attachmatch/DA-17-476A1.pdf; and (3) Mobile Device Theft Prevention Work Group to make further recommendations on actions to combat mobile device theft, *see* <https://www.fcc.gov/general/technological-advisory-council>.

²⁸ *See, e.g.*, GTL 2017 Comments at 13-14 (discussing funding issues associated with combatting contraband wireless devices).

CONCLUSION

Accordingly, GTL urges the Commission to allow the use of all possible technological solutions to combat the use of contraband wireless devices in correctional facilities, ensure its rules require wireless carriers to support the efficient operation of those solutions, and consider convening a working group to address issues relating to the technological solutions needed to solve this critical public safety issue.

Respectfully submitted,

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