



March 17, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

**Re: CellAntenna Corp. Request for Special Temporary Authority
For Demonstration of Equipment to Block Wireless Calls by
Inmates at Pine Prairie Correctional Center – WT Docket No. 09-30**

Dear Ms. Dortch:

CellAntenna Corporation (“CellAntenna”) takes this opportunity to reply to the Petition to Deny of CTIA-The Wireless Association (respectively, the “Petition” and “CTIA”) and other opposition to the above-referenced request for Special Temporary Authority (“STA”) to allow a demonstration – of no more than 15 minutes – at Pine Prairie Correctional Center on March 20, 2009, of equipment that can block unauthorized wireless calls by inmates (the “STA Request”). As explained below, CTIA’s Petition is primarily an exercise in circular reasoning, misdirection, and misinformation, not to mention scaremongering based on examples of jamming devices that are entirely different from CellAntenna’s directional technology. Opposition to the STA Request by others is similarly misguided.

The STA Request highlighted the risk to both prisons and public safety that contraband wireless communications pose, and the need for a solution that gives prison officials a means of eradicating inmates’ ability to make surreptitious use of service authorized via cellular and other FCC-licensed platforms. It also explained that CellAntenna’s directional jamming technology operates so that its impact is limited to a jail or prison – without interfering with other cellular phones or lines of communication beyond the walls of the correctional facility – and provided details on (1) the equipment to be used, (2) the technical parameters under which they would operate, and (3) the oversight and other control measures the demonstration would employ.

CTIA mounts the expected legal challenges to the STA Request, but its opposition really boils down to the notion that the proposed demonstration should not be allowed because it will cause harmful interference, just like other blocking and jamming technology, and there is no guarantee the equipment to be demonstrated will avoid such an effect. But that is precisely what a demonstration like that proposed in the STA Request is designed to prove – that the equipment can operate in a typical U.S. prison setting, without causing the harmful interference that CTIA



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and others suggest – without empirical evidence – will occur. In point of fact, CellAntenna has deployed its equipment at issue here in prisons outside the U.S., and has shown it will operate without affecting communications other than contraband transmissions within the prison.

In another bout of circularity, CTIA argues, then, that the demonstration proposed in the STA Request is unnecessary, since foreign deployment of CellAntenna’s equipment already proves the same things the requested demonstration seeks to confirm. CTIA’s own (unfounded) concern, and that of others in this docket, that the demonstration will cause harmful interference to authorized communications, is evidence enough that whatever data CellAntenna has gathered, it needs to be bolstered in the views of some. Moreover, lest there be any concern that prison-construction, population density, wireless adoption rates, or other factors that may differ domestically and abroad will mean that, if deployed in a U.S. prison, directional jamming cannot operate without causing interference, a demonstration to the contrary is of self-evident utility.

Other points in the record of this proceeding to date that bear correction include the following:

Allegation: Use of jammers in prisons and similar facilities has resulted in harmful interference to commercial wireless subscribers as evidenced by deployment of such equipment in Brazil, Bangalore (India), and Karachi (Pakistan), and is a basis for denying the STA Request.

FACT: CellAntenna, a U.S. small-business/woman-owned entity, is the only company in the U.S. offering equipment that can surgically jam a prison without affecting the public. The equipment we sell to foreign governments for use in prisons is currently deployed successfully in a European prison where we were the only company in the world able to jam only the prison without affecting the surrounding community. Moreover, operation under the tightly constrained technical specifications in the STA Request mirror the steps CellAntenna has successfully taken abroad, and will ensure non-interference with cellular phones or lines of communication beyond the walls of the correctional facility, or otherwise outside the established test area.

Allegation: Concerns that use of wireless jammers impair critical E911 calls and public safety communications, as was the recent case with a high school in Washington State, or that jamming devices will render wide swaths of spectrum unusable to licensed users, are bases for denying the STA Request.

FACT: CellAntenna is, as noted, the only U.S. company that has developed equipment to surgically jam prisons such that the public remains unaffected. This means no effect outside the prison on E911 calls (which, for obvious reasons, are not an issue within the prison) or in the particular case of the demonstration here, outside the test area within the prison. CellAntenna’s technology also does not affect public safety communication, and does not jam areas that need not be jammed, as the Comments of the South Carolina Department of Corrections in this Docket (“S.C. DoC Comments”) confirm.

Allegation: A system designed to block commercial wireless calls would likely impact public safety communications in the 700 and 800 MHz bands adjacent to or near commercial wireless spectrum, and CellAntenna equipment described in the STA Request (even a 15-minute

demonstration of it!) threatens licensed wireless networks and critical communications, including possibly impairing public safety and consumer use of the network in emergency situations.

FACT: As stated, CellAntenna’s technology does not affect public safety communication, as the S.C. DoC Comments confirm. There is no threat whatsoever to any public safety communication.

Allegation: The STA Request offers little detailed information about how the directional jamming equipment it specifies can operate without affecting authorized communications.

FACT: The technical specifications in the STA Request are sufficient to show that, as a matter of engineering/science, signal levels outside the prison (and test area) on any frequency implicated by the demonstration will be of insufficient strength to interfere with any authorized communications, on any frequency. CellAntenna provided additional technical information in meeting with FCC staff. Further, the demonstration specified in the STA Request is exactly the kind of brief, tightly controlled operation (in an area where the uses of cell phones is illegal), that will provide additional “detailed information” to prove the equipment can operate without affecting authorized communications.

Allegation: The operation of the technology specified in the STA Request violates the Communications Act on its face, Sections 301, 302, and/or 333 of which prohibit the demonstration the STA Request seeks to allow.

FACT: As even CTIA notes (Pet. at 6), there is an exception for the federal government or its authorized agencies under the Act.

Allegation: Pine Prairie Correctional Institute, where the demonstration that the STA Request seeks to allow will take place, is not a federal prison operated by a federal government agency.

FACT: Pine Prairie Correctional Institution is a facility listed by the Federal Bureau of Prisons at www.bop.gov/DataSource/execute/dsFacilityAddressLoc?start=y&facilityCode=ppr as being among those housing “[a]pproximately 15 percent of the Bureau’s inmate population [who] are confined in [] facilities operated primarily by private corrections companies and to a lesser extent by state and local governments, and in privately-operated community corrections centers,” which “help the Bureau manage *its population* and are especially useful for meeting the needs of low security, specialized populations” As the Bureau’s website explains, “[s]taff of the Correctional Programs Division ... provide oversight for these privately-operated facilities.”

Allegation: Pine Prairie has not joined CellAntenna in its STA Request, nor experiences security risks from, or has difficulty controlling, contraband cell phones.

FACT: Quibbling over whether CellAntenna or Pine Prairie requested the STA elevates form over substance. The bottom line is that CellAntenna seeks to conduct the demonstration of its equipment as specified in the STA Request at the invitation of Pine Prairie and subject to the facility’s ultimate control. In addition, the S.C. DoC Comments, the STA requests filed by the D.C. Jail as highlighted in the STA Request here, and the FCC’s grant of the first of the D.C. Jail

request reflect that the problem of contraband cellphones in prisons is universal, and poses a serious penal and safety concern.

Allegation: The Pine Prairie demonstration will provide no meaningful information.

FACT: The Pine Prairie demonstration will confirm that results CellAntenna produced in prisons outside the U.S. – in particular, that CellAntenna’s directional jamming equipment can be deployed in prisons to control contraband wireless communications, without adverse effect to any lawful CMRS or public safety operations – are achievable domestically as well. As noted, the very fact that CTIA and others trot out a parade of horrors, and offer sundry irrelevant anecdotal evidence based on operation of equipment *different from* that which CellAntenna specifies in the STA Request, manifests a need for further proof that their fears – and any extent to which the Commission might share in them – are misplaced.

Allegation: Allowing directional jamming and blocking technology (even a test of it!) is not necessary because prison officials can use “sophisticated scanners” to combat the problem.

FACT: Scanners are an insufficient solution to the problem of inmates using contraband wireless communications. First, scanning devices like this used on the scale of an entire prison facility can be prohibitively expensive. Prisons are notoriously underfunded even in the best of times, making earmarks for scanners highly unlikely, and in the present economic climate, a non-starter. Second, scanning at best allows only detection of contraband wireless communications, and confiscation of devices *after* they have been used. This does nothing prevent replacements from being smuggled in and used – indeed, if wireless devices detected by a scanner made it into the prison in the first place, others that take the place of any that may be confiscated are not far behind, as the S.C. DoC Comments confirm. Conversely, jamming technology renders wireless devices – no matter how many are smuggled into a prison – entirely useless. This eliminates all risk of prison- and public-safety-imperiling transmissions, communication by illicit devices that avoid detection by scanning or that operate before being caught, and incentives to smuggle additional devices, all without adverse impact to any authorized communications.

Allegation: CellAntenna knowingly and willingly offered for sale equipment that blocks wireless communications in violation of Sections 301, 302, and/or 333 of the Act.

FACT: As CTIA acknowledges, the FCC previously inquired into CellAntenna’s conduct in this area and found no further action was necessary. CellAntenna’s sales and marketing practices have not materially changed in that time. To the extent CellAntenna markets jamming equipment on its website, such online communication is “borderless” and results only in sales not prohibited by the Act. And, demonstrations of CellAntenna’s directional jamming technology in prisons does not constitute marketing equipment – indeed, it continues to be the case that CellAntenna *refuses* to sell the equipment to state/local officials who observe demonstrations. Rather, the demonstrations are data-gathering, disbelief-dispelling exercises that are part of CellAntenna’s initiative to pursue technological and legal developments that will allow it to provide corrections officials tools to counter a significant and growing enological issue. We recognize FCC action and/or legislative relief may be necessary for use beyond demonstration and testing of CellAntenna’s directional jamming technology in the U.S. by or for non-federal entities.

Allegation: The Commission should take aggressive enforcement action against entities that manufacture, import, market, or use devices designed to interfere with wireless telephone or other radio communications, as APCO International recommends.

FACT: CellAntenna does not import blocking or jamming technology, to the extent it makes such equipment available it does so in accord with U.S. law, and it offers it for sale only to those whose acquisition and possession do not violate U.S. law. CellAntenna actively refuses to sell its equipment not only to all members of the public in the U.S., but also state and local U.S. law enforcement officials who may inquire. CellAntenna supports the enforcement activity against anyone misusing jamming equipment, and has always supported increased penalties for anyone other than first responders using jamming equipment, and have asked, as APCO has, that the FCC stop the domestic sale of these products on the Internet.

In the final analysis, notwithstanding CTIA's Petition or other opposition to the STA Request in this docket, it remains the case that, given the narrow technical parameters we have outlined and the limited duration of the test the STA Request poses – and the fact that it will not adversely affect any lawful communication within the prison or any communication outside its walls – the public interest would be served by the STA sought here.

CellAntenna stands ready to answer any questions the Commission may have, and to show that directional jamming is not only the most effective way to combat serious problems posed to prisons and the public today by wireless communications devices, but also the most efficacious solution because it poses no risk of interference to any authorized communications.

Trusting that the above is to your entire satisfaction,

Sincerely ,

Howard Melamed ,

CEO CellAntenna Corporation