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Federal Communications Commission
Washington, D.C. 20554

July 31, 2008

ET Doc. No. 08-73

FILED/ACCEPTED

MAR - 5 2010

Federal Communications Commission
Office of the Secretary

Mitchell F. Brecher
Greenberg Traurig, LLP
800 Connecticut Ave, NW
Suite 500
Washington, DC 20006

Dear Mr. Brecher,

We are in receipt of your Petition filed on August 1, 2007 on behalf of GEO Group, Inc. In your petition you request that the Commission, pursuant to Section 10 of the Communications Act of 1934 as amended, 47 U.S.C. § 160, forbear from application or enforcement of relevant sections of the Act and the Commission's rules in order to allow state and local correctional authorities and private entities operating correctional facilities to utilize "jamming" devices to prevent the use of wireless devices at correction facilities and jails.

This letter is to advise you that as your client appears to be neither a telecommunications carrier nor a class of telecommunications carriers, Section 10(c) of the Act would be inapplicable to your petition,¹ and your petition would not be deemed granted should the Commission take no action prior to the expiration of the one-year period from the date your petition was received. You are further advised that if GEO Group nevertheless proceeds under the assumption that its petition were deemed granted, it would be doing so at its own risk and would be subject to sanctions with respect to any violations of statutory requirements or Commission rules from which the Commission had not forborne enforcement.

This letter does not address the substantive merits of your petition or the relief it requests,² and is not intended to prejudice any action the Commission might take if and when it were to consider the petition.

¹ Section 10(c) provides in relevant part that "[a]ny telecommunications carrier, or class of telecommunications carriers, may submit a petition to the Commission requesting that the Commission exercise the authority granted under this section with respect to that carrier or those carriers, or any service offered by that carrier or carriers." 47 U.S.C. § 160(c) (emphasis added).

² Irrespective of the merits of the petition and whatever relief may be available, the sale or use of transmitters designed to prevent, jam or interfere with cell phone communications is prohibited by statute and by the Commission's rules, and such action could be subject to enforcement action by the Commission. Enclosed for your information and convenience is a Public Notice that addresses this issue: DA 05-1776, *Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States* (June 27, 2005).

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Please let me know if you have any questions regarding this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "J.P. Knapp".

Julius P. Knapp
Chief,
Office of Engineering and Technology