

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

In the Matter of )  
 )  
Amendment of Parts 1, 2, 22, 24, 27, 90 and ) WT Docket No. 10-4  
95 of the Commission's Rules to Improve )  
Wireless Coverage Through the Use of Signal )  
Boosters )

**COMMENTS**

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## DISCUSSION

### *“In the Best Interests of the Public”*.

This is the statement that echoes that 1934 Communications Act by which FCC had been created to regulate and control the radio frequency communication of this country. The FCC is required to promote legislation to be in our best interest not that of any single company, or organization. The question is whether or not the changes to the rules and regulations governing cell phone coverage are truly in the best interests of the public and will improve the cell phone coverage of this country. Aside from once and for all, allowing the public to seek relief when the carrier abandons them with regard to signal coverage, most of the proposed rules and regulations will not increase cell phone coverage. In fact, they will usurp the ability of the public to seek relief of poor cell phone coverage, by forcing them to succumb to the wishes of the carrier, some of which either don't care about the lack of coverage, or who want to force the subscriber to a particular plan or payment prior to the installation of a booster by them.

The history of the carriers of providing cell phone boosters to the customers has been shaded with terms and conditions that often would strangle a customer prior to providing the signal that the cellular carrier should have provided in the first place. Why else would the public come to companies such as CellAntenna Corporation to pay for a solution to their problem of signal coverage if the cell phone providers would have provided a solution in the first place? In fact the cell phone carriers are not there to please all of the people; they are there to make profit, understandably. That is why the most difficult of their customers, the ones with poor coverage at their home, or place of business are abandoned by the carrier and encouraged to utilize companies like us. After all, to provide proper signal coverage to ever signal customer would cost the carriers billions of dollars. The technical support and sales teams of the carriers realize that the carrier cannot afford to please everyone. That is why most of our customers are referred to us by the carrier's technical support and sales management team.

It is incredible as it may seem that the carriers have no problem what so ever in making sure that the signal levels at our prisons around this country are high, when 15% of the consumers of cell phone service have problems with their service at their home and office. (We are involved in the issue of trying to stop cell phone use by criminals in prisons using our managed access services).

Having the carrier involved in the thumbs up or thumbs down of anyone's right to have cell phone signal at their home or office or anywhere, is not going to provide any relief whatsoever to the public. Our current experience with one carrier has our client, the United States Government, waiting more than a year for an answer to what is required regarding power levels and frequencies. If the US government cannot get anywhere or get an answer on time from the carrier, then how can the public be assured of a quick response to their request?

If the concern is that wide band amplifiers for instance may prevent someone from making a 911 call in an emergency, if there is interference, then what about the person that needs a wide band amplifier to make the 911 call that has been delayed or been denied by the carrier?

ATT indicated in their comment that they are not set up to handle the thousands upon thousands of request that will result from one of the rules requiring cooperation with the carrier before the

customer can turn the booster on. Does the carrier truly want to be burdened by the thousands of requests? After all, the carrier right now does not do anything with smaller customers, the ones that need a repeater for their home or office. With no bite in the regulations forcing the carrier to provide timely answers, and approvals without unreasonable holdback, requesting the customers to require any approval or cooperation is to say the least, a waste of time.

Further burdening the public with registration requirements, the need to get carrier approval or cooperation, the need to be an Electrical Engineer in order to interpret the new regulations are not in keeping with “In the best interest of the public.”

Additionally, wideband amplifiers are not an issue with regard to signal coverage and interference that the carriers are experiencing. In fact, illegal wide band BDA's imported by unsuspecting people in the United States purchased from the Orient, or the Caribbean where the FCC has no jurisdiction are the problem. Many websites claim that they have FCC approved boosters, and sell them to the customer United States, even though they are not certified by the FCC. The DHS does not stop them from entering the country. These noisy boosters will still be sold, and purchased, no matter what the newer regulations say. What is clear however, is that US businesses who are responsible to their customers will be suffer as they will have to increase costs, lay off employees due to the higher cost 'newer' requirements for boosters, and the increase in government regulations for the industry as a whole.

In our opinion there has never been an independent study regarding the effect of boosters on the market place, and as well, there has not been widespread chaos caused by the current regulations and standards regarding boosters. We believe that there is no need to change any of the standards and that in fact, with the carriers increasing their profits, and the rarity of complaints of interference compared to the size of the marketplace (300 million cell phone users and a small number of interference complaints). The existing standards have worked fine.

In Summary we would suggest the following changes to the proposed rules in order to better represent the true requirements of the public and in the best interests of the public:

#### **95.1625: Labeling requirements**

We believe there is no need to have any further labeling requirements. An amplifier that has been properly tested and given an FCC license of approval is the only identification that is needed.

As well, there is no need to warn any of the users that if the device causes interference and have been notified by the FCC as such, that they need to turn it off immediately. The FCC notification is clear when they notify someone, and the laws concerning interference (Section 333) are clear as well.

**95.1623 Interference safeguards:** We believe these to be reasonable. Our BDA's that are FCC certified automatically shut down should power, oscillation exceed the safe use. The safeguards ARE NECESSARY and we have seen plenty of junk amplifiers enter the marketplace without these safeguards.

### **95.1619 Fixed Signal Booster Coordination.**

We believe this article to be completely impossible to comply and govern, As was mentioned in the preamble, the carriers themselves have no way of providing prompt service and do not have a set of rules by which they will approve or disapprove any installation.

Instead we recommend that the FCC take control of the registration process of a booster. The FCC already has a simple method of registering towers, comments, etc. The FCC can simply add a simple registration process for the operator. The operator would log on, fill out a form online that they provide the FCC license number of the boosters, some simple information like the antenna used being directional or Omni directional, a contact email address, the address that and check off an box that says:

**“ Should the booster cause any interference whatsoever, and we notify you of such, you agree to turn this amplifier off until the situation is fixed to our satisfaction.”**

As well, this DATABASE can allow the carrier to locate any booster that may be causing interference within an area. With the information of a registered booster, the carrier will expend very little effort in finding the locations, or at least, excluding them from a interference mitigation search.

The public, the operator, on the other hand, will have an easy way of declaring themselves both for current installations, and previous installations provided they have used an FCC certified booster, so that they are in compliant with a registration rule that would say “ The Operator shall register their booster with the FCC “. More importantly, everyone in this industry can encourage owners of boosters installed prior to the changes in regulations to register their system without penalty, for the tens of thousands of boosters that are currently installed around the country.

It is important to reiterate that any requirement for the customer to get the carrier’s permission or help will not work.

### **Requirement for cooperation by the Licensee or Lessee:**

We believe that the rules should have the following added:

**95. XXXXX** The Licensee or Lessee will cooperate with the operator of a booster and provide timely coordination with any request given to them in a timely manner but no greater than 48 hours from the time of the request. The Licensee or Lessee, upon request by an operator of a booster, will provide information that will assist the operator in properly configuring the booster, including but not limited to:

- a) Providing the operator with the tower of choice by which the operator may direct its signal to.
- b) Upon review of the booster to be used, provide information regarding the requirement of an attenuator if needed to reduce any signal levels that the carrier may believe to be in excess of its norms regarding the received signal at the tower. This information shall be based on sound

electrical engineering principals, and the carrier will not provide any false or misleading information.

c) Should the carrier refuse the operator's use of the booster, then the carrier shall be responsible to insure the signal coverage in the operator's premises.

Conclusions:

1. Proposed changes to rules and regulations governing Wide Band Boosters and the ability for customers (operators) to use them for mitigation of poor signal, may cause further distress to the public.
2. The customers seek out boosters to solve their signal problems because the licensee in the first place does not provide a solution. Any requirement that forces an operator (customer) to obtain cooperation or permission will only result in further delays and frustration. The further delay in the installation of a booster system (using FCC certified equipment) may put the customer at risk since 911 services will not be available in the premises to be serviced by a booster.
3. Central registration of a booster, its FCC certification number, make and model and address will allow the carriers to monitor, and when needed to obtain information on any booster. With the current or future booster standards, no further discussion with the carrier is needed. The FCC should take on the responsibility of the registration on their website ( as they do now with other registrations).
4. The carrier should be obligated to provide service to any customer whom they refuse to allow an installation of a booster.