

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

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

**Reply Comments of ACUTA**

ACUTA: The Association for Information Communications Technology

Professionals in Higher Education (“ACUTA”) respectfully submits these reply comments in response to the Federal Communications Commission’s (“FCC”) notice of proposed rulemaking in the above-referenced proceeding.<sup>1</sup> ACUTA files these reply comments to respond to the joint proposal of Verizon Wireless, V-COMM and Wilson Electronics for a new regime to govern the deployment of boosters to improve wireless service in areas that lack adequate coverage (the “Joint Proposal”). While ACUTA supports many of the principles outlined in the Joint Proposal, it submits that the Commission should modify the proposed rules to ensure that boosters can be deployed where they are needed without undue difficulty. This is a particular concern to ACUTA, as its members are responsible for telecommunications systems on campus and often have to respond to community concerns about wireless service.

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<sup>1</sup> Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters, *Notice of Proposed Rulemaking*, 26 FCC Rcd 5490 (2011) (the “*Notice*”).

## **I. Introduction**

ACUTA is a non-profit association whose members include approximately 750 institutions of higher education within the United States. ACUTA members include both large and small non-profit institutions of higher education, ranging from institutions with several hundred students to major research and teaching institutions with greater than 25,000 students. ACUTA member representatives are responsible for managing voice, data and video communications technology services for students, faculty and staff on college and university campuses. As such, they have on-site expertise in many of these areas, including wireless, and/or have established relationships with the appropriate vendors and carriers.

As described in ACUTA's earlier comments in this proceeding, colleges and universities have a significant interest in maintaining the ability to extend wireless services on their campuses.<sup>2</sup> Wireless services are increasingly important for communications in campus environments, between staff members, from faculty to students, during events that draw large crowds and in emergency situations. In fact, the Higher Education Opportunity Act of 2008 imposes specific enhanced campus emergency communications obligations on colleges and universities.<sup>3</sup> However, ACUTA members have found that their campuses often lack adequate wireless coverage, either in specific locations or across a large area. Many of these issues cannot be addressed through deployment of standard wireless towers and antennas, either because the location is underground or deep inside a building or because of terrain or other obstructions.

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<sup>2</sup> See Reply Comments of ACUTA, WT Docket No. 10-4 (Mar. 8, 2010) ("*ACUTA Public Notice Comments*") at 2-5.

<sup>3</sup> Higher Education Opportunity Act of 2008, Pub.L. No. 110-315.

Colleges and universities have approached coverage issues in many ways, ranging from individual boosters or repeaters to full-blown multi-carrier distributed antenna system (“DAS”) installations. Some of these solutions have been undertaken independently by the institution, while others have been collaborations with DAS vendors or carriers. Most importantly, these solutions are adapted to specific campus needs.

There is much in the Joint Proposal that will assist colleges and universities in addressing their wireless coverage needs. In particular, affirmation that “consumer” repeaters are lawful and the availability of “CEO” boosters should permit institutions to address some of their coverage issues in small areas. However, ACUTA is concerned that the proposal could be too restrictive and could impose essentially unprecedented limitations on the use of authorized devices. For that reason, ACUTA asks the Commission to modify the proposal to eliminate unnecessary restrictions and to ensure that CEO boosters become available in a timely fashion.

## **II. Unnecessary Restrictions Should Be Eliminated from the Joint Proposal.**

As noted above, ACUTA believes that the availability of both consumer boosters and CEO boosters will assist colleges and universities in addressing their communications needs and responsibilities. However, ACUTA also is concerned that the Joint Proposal contains restrictions that are unnecessary and potentially counterproductive. While in the case of consumer products, this issue can be addressed by a clarification, the restrictions on the installation of CEO boosters should be modified more substantially.

The Joint Proposal permits purchase and installation of consumer boosters without permission from carriers, subject to registration of the booster by the customer. ACUTA agrees that this process is reasonable, and balances the needs of customers to obtain more reliable coverage and of carriers to be able to address potential interference issues. The Joint Proposal

also requires that boosters be purchased by “active CMRS customers,” but does not specify what that term means. ACUTA submits that the Commission should clarify the meaning of that term to ensure that it covers any subscriber, whether an individual, a company or an institution. More specifically, the Commission should not expect or require that a consumer booster would be associated with only one wireless device or wireless user, and should permit boosters to be registered for access by multiple devices and users. This clarification will ensure that colleges and universities can use boosters in places on campus where they are needed most and that the boosters will be accessible to all users.

The proposed rules for CEO boosters also are a step forward. The availability of higher-power boosters, potentially with more flexibility to address multi-carrier environments, will allow colleges and universities to address a wider range of coverage issues. However, the proposal gives carriers too much power to prevent development and installation of CEO boosters, and impose other restrictions that are unnecessary.

First, there should be a timeline for the standards process that is outlined in the Joint Proposal, with specific deadlines for action. Absent deadlines, it is possible that wireless providers will stall or simply withhold their assent to reasonable guidelines. That would mean that no CEO boosters could be deployed. ACUTA proposes that, if no consensus is reached by the deadline, the parties should be required to submit their proposals to the Commission for timely resolution.<sup>4</sup>

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<sup>4</sup> The Commission has followed this approach in other contexts. *See, e.g.,* Local Number Portability Porting Interval and Validation Requirements, *Report and Order and Further Notice of Proposed Rulemaking*, 24 FCC Rcd 6084, 6090 (2009) (directing the North American Numbering Council to submit new processing flows for number portability “no later than 90 days after the effective date of this Order”); Telephone Number Portability, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697, 23717

Second, the terms of the Joint Proposal for installation of CEO boosters are far too restrictive. There is no valid reason to impose training and certification requirements for installers in the Commission's rules. The Commission typically does not adopt such requirements (and, in fact, there are no training or certification requirements for individuals who install full cell sites), and the adoption of such requirements will serve principally to limit the options for users that wish to have CEO boosters installed.<sup>5</sup> Moreover, the notice requirements in the Joint Proposal will ensure that wireless providers have a fair opportunity to review proposed installations to determine whether they will cause interference or otherwise are inappropriate.

If the Commission believes that some certification process is required, the process should be designed so that it is accessible to more than just wireless providers and the largest equipment vendors. In particular, the certification requirements should be limited to the minimum knowledge required to comply with the obligations of the rules. Simply put, a CEO booster vendor should not need to be a fully-qualified wireless network engineer.

ACUTA supports the requirements in the Joint Proposal for determination of coverage, database registration and other matters related to the actual deployment and operation of a CEO booster, and the requirement to seek coordination before deploying a CEO booster. In that context, however, the notice process for CEO boosters should be reworked to prevent wireless providers from exercising a silent veto by simply not considering a request to install a new

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(2003) (directing the North American Numbering Council to provide recommendations "promptly" on how to implement shortened intervals for number portability).

<sup>5</sup> It is likely that the purchase and installation of a CEO booster will entail a substantial investment, so purchasers will have significant incentives to ensure that they hire competent companies to design, install and maintain their boosters. Organizations like ACUTA historically have served as platforms for higher education institutions to share experience with specific technologies and vendors with each other.

booster. The rules should contain a “shot clock” for responses to requests for consent to deploy boosters, and if they do not respond by the deadline, the user should be permitted to go forward with installation and operation.<sup>6</sup> This approach is reasonable, and would not obviate the user’s obligations to comply with all of the substantive requirements of the rules. It also is consistent with the Commission’s approach in other contexts where, in the absence of a deadline, one party could prevent another party from acting simply by choosing not to respond.<sup>7</sup>

### **III. The Commission Should Not Limit the Installation and Operation of Distributed Antenna Systems in Campus Environments.**

As described in ACUTA’s earlier comments in this proceeding, DAS solutions have become an important way to address coverage issues in campus environments, and colleges and universities are increasingly turning to this approach.<sup>8</sup> Colleges and universities are not the only entities that are deploying DAS solutions, as the same concerns arise in any campus environment. For that reason, it is important to design the Commission’s new booster rules so that they do not prevent DAS deployment and operation.

The Commission can address this issue by specifying in the order in this proceeding that nothing in the order affects DAS installations, and that DAS installations that do not incorporate boosters are not subject to the rules. Specifically, a DAS should not be subject to registration

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<sup>6</sup> This would not, of course, prevent a wireless provider from later determining that a CEO booster is causing actual interference. Wireless providers would retain that right even if they affirmatively approved a booster.

<sup>7</sup> See, e.g., Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, *Declaratory Ruling*, 24 FCC Rcd 13994, 14005 (2009) (setting deadlines for action on tower siting applications by municipalities); “Application Filed for the Acquisition of Certain Assets and Authorizations of CIMCO Communications, Inc. by Comcast Phone LLC, Comcast Phone of Michigan, LLC and Comcast Business Communications, LLC, *Public Notice*, WC Docket No. 09-183, FCC 09-104 (rel. Dec. 1, 2009) (setting 60-day deadline for objections to request for waiver of Section 652 of the Communications Act).

<sup>8</sup> *ACUTA Public Notice Comments* at 5-6.

requirements, any of the requirements for placement of CEO boosters or of the standards that will be adopted for CEO boosters. This exemption should apply to any DAS that will be connected to wireless providers via dedicated connections (that is, a wired connection or a point-to-point wireless backhaul arrangement). The Commission should adopt this approach for three reasons.

First, the concerns raised by the operation of boosters simply do not arise in the context of DAS. By definition, a DAS has to be interfaced with a carrier network to operate. This means that no DAS can operate without carrier involvement and, of course, consent. This makes a DAS equivalent to a carrier-operated booster, which under the Joint Proposal would not be subject to the booster rules.

Second, specifying that DAS installations are not subject to the booster rules will eliminate any uncertainty about the requirements for installing and operating a DAS. In the absence of a specific statement from the Commission, there could be questions about whether such installations are subject to the rules, such as whether DAS transmitters must comply with the equipment rules governing consumer boosters or CEO boosters. Rather than leaving these questions unanswered, the Commission should address them now.

Third, applying the booster rules in the Joint Proposal to DAS installations could create a significant advantage for wireless providers in their competition with independent DAS vendors. Under the Joint Proposal, any installation by a wireless provider will be exempt from the booster rules. If independent DAS vendors were subject to the rules and wireless providers were not, wireless providers could delay approval of independent DAS proposals, avoid the costs associated with the coordination process, have a wider choice of network designs and facilities and enjoy myriad additional advantages that they do not have in the market today. Wireless

providers also could pick and choose their favored vendors based on factors unrelated to the quality of the products they offer. The reduction of choice that would result in that situation would reduce the choices and increase the costs faced by institutions that wish to implement DAS solutions, which would be harmful to users of wireless services.<sup>9</sup>

Indeed, ACUTA already is aware of some instances in which wireless providers have threatened not to deal with independent DAS vendors, so the risk that wireless providers would leverage any advantages they might have under the new booster rules is significant. This makes it even more important not to adopt rules that could give wireless providers an unwarranted advantage in the marketplace.

#### **IV. Conclusion**

For all of these reasons, ACUTA respectfully requests that the Commission act in accordance with these reply comments.

Respectfully submitted,

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<sup>9</sup> Alternatively, the Commission could require all installations of booster-like devices to comply with the booster rules, regardless of whether the installer is affiliated with a wireless provider. While this would not level the playing field completely, it would avoid some of the more significant concerns about rules that apply only to some of the participants in the DAS market.