

TO: FEDERAL COMMUNICATION COMMISSION
FROM: Try Safety First / John J. Fischer, CEO
DATE: April 23, 2012

**RE: Comment for Public Service GN Docket No. 12-52
Wireless Service Interruptions**

I would like to applaud and commend the FCC, PSHSB and WTB for issuing Public Notice GN Docket No. 12-52 seeking comment on Wireless Service Interruptions.

Throughout the world, mobile phones have become a ubiquitous part of everyday life. Moving fast forward, technology has travelled from our desktop to our laptop and now to our handheld device. And with this new technology, a new set of societal harms has also arisen. These harms come with a very large cost to our well-being and our pocket-book.

The problems inherent with the cell phone are by no means exclusive to the United States. They are vividly present in the exact same fashion in every industrialized country throughout the world. The problems are surfacing all around us and duplicating themselves with incredible rapidity. They are initializing in pre-teens and carrying thru to our seniors.

While it is completely agreed that it is of paramount importance to preserve the availability and the openness of wireless communication networks, it is equally imperative to preserve the safety and welfare of our communities as a whole.

With all due respect, please do not in any manner, shape or form mistake the cell phone as a right or freedom. Use of a cell phone is not a right, but a privilege and we must respect it for everything that it is and realize we are not somehow magically immune to its dangers. The cell phone is much greater than a simple toy capable of doing some really cool things. The cell phone may be one of the greatest inventions ever, but please understand it was never envisioned to be smuggled contraband, facilitate massive cheating and disruption among students, cause an accident every 47 seconds or be a terrorist bomb trigger. The reality is the cell phone has quickly become the key ingredient in many disastrous situations and we must not let good judgment be overtaken by our addiction for these cool gadgets. The cost and destruction caused by these problems can no longer be ignored.

Driving and cell phone use is nothing less than an accident waiting to happen. According to the World Health Organization, cell phone distracted driving alone is costing the top ten developed nations between one and three percent of GDP. On the high end that means we are flushing almost a half a trillion dollars per year down the drain. Even on the very low end of 150 billion dollars per year, we should be doing everything possible to eliminate this problem. But the problem doesn't stop here.

On Dec. 13th, 2011, the National Transportation Safety Board recommended a ban on "the non-emergency use of portable electronic devices (other than those designed to support the driving task) for all drivers" in all 50 states due to their potential to distract motorists and cause accidents. Bans (*although much better than nothing*) are not even close to the best answer.

Addictions and temptations to the cell phone are so great, bans have little if any effect. According to the National Highway Traffic Safety Administration, the number of drivers

texting behind the wheel last year increased by 50%. And this is in spite of more than 30 states having enacted bans. This should be no surprise.

Clinical studies have shown use of the cell phone creates a dopamine squirt thereby causing a Pavlovian Impulse giving the user instant gratification and the desire to automatically reach for the device whenever and wherever it rings, buzzes or lights up. Neuro-imaging studies have shown texting individuals have the same area of the brain light up as an addict using heroin. And still other studies are claiming the phone elicits an OCD type behavior. Couple this with the fact that kids are now getting phones on average at age ten. By the time they learn how to drive, these young adults are well entrenched into the unstoppable behavior. What's worse is the kids are not the worst offenders. Soccer moms and executives are. There's a reason why the Blackberry is often referred to as the Crackberry.

Prison officials are now claiming the cell phone to be the number one item of smuggled contraband. Jailed criminals and terrorists enjoy secret communication almost whenever they want. Literally hundreds of thousands of illegal activities are orchestrated every single day on contraband cell phones inside prison walls. Bribery, extortion, fraud and the ordering of hit murders have become an everyday occurrence. Almost daily, incarcerated criminals appear on Facebook and other social networks taunting their victims. It has been discovered that millions of dollars have been spent to capture, try and convict terrorists only to see them continue to stay in contact with their terrorist organizations around the world via smuggled contraband phones. In a recent report to Congress, the CTIA disclosed more than 216,320 illegal text/cellular phone call attempts were made in less than one month from inside one single prison in Mississippi.

Schools are also experiencing troubled times because of the cell phone. Cyber bullying, cheating and classroom disruption has become a daily disturbance in many institutions. Because of this, more than 80% of districts have instituted strict disciplinary policies. Many educators freely admit the policies are failing badly. A recent two week email campaign asking educators to sign a petition to Congress to mandate cellphone interruption technology for the classroom generated more than 4,000 letters and emails to Congress. Cellphone interruption technology in the classroom puts control of the device where it should be, in the hands of the educator. Classroom interruption technology actually promotes cellphone usage in the classroom by providing each room an on/off switch so the instructor can choose when and if to use the phone as a teaching tool. This is a win-win situation which can add the potential benefits to the learning environment while eliminating the disruptions and problems.

Boeing has gone on record to state some of the newer model phones are capable of disrupting a planes instrument panel gauges which are critical during take-off and landing. It is imperative that a pilot should always have the final control over all communications technologies onboard the aircraft. Most people are under the false impression that if a phone is placed in airplane mode, it is OK. That simply is not the case.

Judges all over our country are continuously being challenged with cell phone problems in the courtroom. From basic disruption in the galley to empanelled jurors attempting to research or gather outside information to actual witness intimidation, our judges have seen it all. There have been numerous high profile cases that have resulted in mistrials due to the cell phone. In a recent high profile Florida case, the judge discovered nine of the jurors had been using their cell phone during the trial to research the case despite having been instructed not to.

Thousands of small business owners have also been adversely affected by the ease in which the cell phone has helped nefarious individuals carry out their criminal behavior. Convenience store owners have become easy targets as multi-party thieves communicate back and forth during the course of their petty theft. Movie theatre owners are experiencing a whole new set of problems of their own. From constant disruption by rude patrons refusing to turn off their phones to scam artists using their phones to video tape the movie and sell it on the black market. Falling in line from that mentioned above in relation to smuggled contraband, companies such as Facebook are now saddled with extra costs of monitoring their networks in attempts to disband the criminals from posting.

It is completely understood there will always be criminals in every society. But it must not be understated nor ignored the ease at which the cell phone is enabling their activity to exacerbate.

For the past five years, I have studied, listened and learned of the multitude of problems manifested from the cell phone. I have literally read thousands of articles on the subject. I strongly contend there is one way and one way only to remedy each and every one of the fore mentioned problems. The remedy MUST lie in the hands of the people and the organizations who are being adversely affected and not in the hands of government. Service interruptions should not require government intervention or be the sole responsibility of the wireless carrier. The wireless carrier must play their part in solving the problem as will be discussed momentarily, but it is NOT their responsibility to interrupt service, only to be sure a potential remedy is available when needed.

Because there are more than 650 different makes and models of cell phones combined with open, closed and partially closed configurations, a new industry standard must be adopted for the wireless industry. That standard must be complete with universal distraction prevention and safety protocols. The protocols will create an entire supply chain of solutions for the wireless industry. The software protocols will be embedded into the firmware of all handsets manufactured. There will be a simple hardware component which will exactly control the protocol behavior of the phone in limited 1-10 meter pre-determined and community accepted environments. As such, all phones will understand exactly how to behave when in a pre-defined safety related or distraction prevention environment. With these protocols 911 and two additional emergency numbers always remain active. In essence, an optional safety valve is created inside each phone. Each state can then decide which protocols and which environments to activate as they see fit. Put the power in the hands of its people.

Citizens of the United States already fear the notion of big government and big brother controlling their lives of which cell phone communications are now very much present. Service interruptions by big government will only create more fear and disdain among its citizens. What we **ARE** willing to accept is the understanding that for safety purposes, **there should and will be some pre-defined and pre-labeled environments in which some cell phone activities will not be permitted or minimally diminished.** This should be left to the states to vote exactly when and under what circumstances such actions are acceptable. Examples – We are willing to accept the pilot will have an on-off switch to sleep all communication devices during take-off and landing. We are willing to accept the prison chief can shut off all phones within the prison confinement. We are willing to accept that texting and emailing features (in the confinement of the driver's seat) will not be present when in route. We are willing to accept the

confinement in and around a school bus operator's seat will not permit any phone functionality other than 911 unless the buses transmission is in PARK. We are willing to accept a teacher (in the confinement of their room) can flip a switch and sleep all phones when time for a quiz or other instruction where the cell phone would otherwise present a problem. We are willing to accept a judge will have an on-off switch to control all phones in the confinement of both the galley and the jury box. We are willing to accept a movie theatre owner will have an on-off switch to silence (not disconnect) all phones during show time. Once again, the key is **pre-defined and pre-labeled**.

It is my strong recommendation the FCC create a special panel of experts (comprising at least one representative from each adversely affected business and educational sector along with an advocate from the bureau of prisons and the CTIA) to strategically approve each protocol to be defined for each specific environment. It can be stated with 100% certainty, cell technologies are here to stay and most certainly the fore mentioned problems will not be going away on their own or with the advent of new laws. Technology created these problems and only technology will solve them.

Try Safety First has designed and developed protocol technology which provides the solution for all of the fore-mentioned problems. The key for this technology to be successfully implemented lies in the hands of the FCC and Congress. Brazil is currently in line to get it first. On Oct. 20th, 2011, Brazilian Congressman Newton Cardoza championed bill PL 2482-2011 in an effort to mandate protocol technology into every cell phone imported or manufactured in Brazil. On Nov. 5th, the bill became registered in the Brazilian Congress, moved into the commissions and was given PRIORITY status.

The following page gives a simple visual of each environmental protocol once activated. Further information can be obtained by contacting me.

Sincerely,

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