

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Promoting Technological Solutions to Combat	)	GN Docket No. 13-111
Contraband Wireless Device Use in	)	
Correctional Facilities	)	
	)	
CellAntenna Corp. Request for Amendment of	)	RM-11430
Section 2.807 of the Commission’s Rules (47	)	
C.F.R. § 2.807) to Allow the Use of Radio	)	
Frequency Jamming Equipment by Local and	)	
State Law Enforcement Agencies and	)	
Emergency Response Providers	)	
	)	
Petition of The GEO Group, Inc. for	)	ET Docket No. 08-73
Forbearance from Application of Sections	)	
302, 303, and 333 of the Communications Act	)	
of 1934, as amended, and Sections 2.803 and	)	
2.807 of the Commission’s Rules to Allow	)	
State and Local Correctional Authorities to	)	
Prevent Use of Commercial Mobile Radio	)	
Services at Correctional Facilities	)	
	)	
CTIA—The Wireless Association Petition for	)	WT Docket No. 10-4
Declaratory Ruling Regarding the Unlawful	)	
Sale and Use of Cellular Jammers and	)	
Wireless Boosters and Repeaters	)	
	)	
South Carolina Department of Corrections	)	PRM09WT
Request for Authorization of CMRS Jamming	)	
Within Correctional Institutions in Order to	)	
Improve Public Safety Under Conditions that	)	
Protect Legitimate CMRS Users	)	
	)	
Mississippi Department of Corrections	)	PRM09WT
Request for Authorization of Managed Access	)	
Systems Within Correctional Institutions in	)	
Order to Improve Public Safety Under	)	
Conditions that Protect Legitimate CMRS	)	
Users	)	

Global Tel*Link Corp. Request for	)	PRM11WT
Amendment of Sections 22.3(b), 1.931 and	)	
Subpart X of the Commission's Rules and	)	
Creation of New Rule(s) to Authorize a	)	
Plurality of Technical Solutions to Eradicate	)	
the Unauthorized Use of Wireless Devices in	)	
Correctional Facilities	)	
	)	
CellAntenna Corp. Request for Amendment of	)	PRM11WT
Section 20.5 of the Commission's Rules, 47	)	
C.F.R. § 20.5, to Categorically Exclude	)	
Service to Wireless Devices Located on Local,	)	
State, or Federal Correctional Facility	)	
Premises	)	

To: The Commission

**COMMENTS OF NTCH, INC.**

NTCH, Inc. (NTCH) applauds the Commission for a long overdue effort to address the growing problem of cell phone abuse by those incarcerated in prisons. A subsidiary of NTCH has recently had occasion to interface with corrections officials in South Carolina where the NTCH entity has an operating system. Those officials confirm all of the horror stories of which the Commission seems to be aware: use of cell phones to arrange drug deals, bribes, importation of contraband into prisons, control of gang activities, and even the murder of enemies of prisoners. The severity of this problem has been highlighted recently by the exposure of massive abuse at the Baltimore City Correctional facility, where criminal kingpins were able to conduct criminal enterprises almost without interruption using smuggled cell phones and complicit correctional officers. While cell phone control alone cannot stop these activities, it can isolate criminals from their cohorts and accomplices on the outside and significantly impede their ability to carry out these crimes. The situation has reached the level of a real and present threat to public safety, so urgent and powerful action by the Commission is needed.

Unfortunately, the measures proposed by the Commission in the captioned proceeding do not go nearly far enough. While well-meaning, they do not do enough to change the business-as-usual which governs cell phone use in prison environments; they leave the basic infrastructure intact, an infrastructure that can only be modified by a complicated lease agreement involving all of the CMRS licensees in any given area. Since these licensees are competitors and may have differing incentives for not giving up their spectrum rights in the vicinity of prisons, there is a high likelihood that the "managed access" model will not yield the result the Commission is trying to achieve. To effectively crack down on illegal cell phone use in prisons, the regulatory framework must (1) at the request of correctional officials, affirmatively forbid CMRS licensees from facilitating or offering cellular service within the confines a prison boundaries, to the extent technically possible, and (2) facilitate a simple method whereby an authorized entity working in conjunction with prison officials could prevent transmission of prison-originated signals to accomplish purpose number 1 while allowing cell phone calls to be made by authorized users such as corrections officers and visitors.

### **THE NTCH PLAN**

NTCH proposes that in lieu of, or in addition to, the measures proposed in the NPRM, the Commission should do the following:

A. It should declare the confines of prisons, including surrounding lands owned or controlled by the prison system, to be "quiet zones" akin to the Commission's treatment of radio astronomy and other research facilities designated by the Commission. The Commission has historically prevented carriers from transmitting in those areas in order to protect the ability of those facilities to carry out their missions without interference from commercial transmissions in the immediate vicinity. This designation would be made upon the request of the appropriate

state or county corrections departments, would be published in the Federal Register, and would effectively be a rulemaking-based minor limitation on the carriers' rights to use their licensed spectrum under Section 316 of the Act. The designation of a site as a prison quiet zone could only be made in conjunction with the procedures set out below.

B. A corrections department could only declare a site a quiet zone in connection with its designation of one or more entities that would bear the expense and take the responsibility of preventing unauthorized transmissions in the prison confines and would also be in a position to offer service over authorized frequencies in the prison area. Such an entity (the "Prison Service Provider") could either be an existing authorized carrier in the market which elects to provide these services or an entity that leases spectrum from an existing carrier for this particular purpose. While only one such Prison Service Provider would be needed, there is no reason in principle why there could not be multiple providers. The prison officials could select authorized Prison Service Providers based on whatever criteria and procedures they normally use in awarding contracts. We can conceive of situations where the state would have to pay a Provider to take on this task and also situations where a Provider would be willing to pay the state for the right to offer the service. The marketplace and the specifics of the site would handle this issue.

C. Once designated as the Prison Service Provider, the Provider would be authorized to prevent or create interference to any unauthorized transmissions from within the prison confines (including the buffer zone described below) because no such transmissions would be lawful under the terms of the licenses pursuant to which the offending cell phones would normally be operating.<sup>1</sup> The illegal phones would effectively get a "no service" message for

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<sup>1</sup> It might be that because the interference-creating device would actually transmit radio signals, the Commission would have to authorize such transmissions, either on a blanket license basis by rule or by having Prison Service Providers apply for authorization to operate on the cellular frequencies in the quiet zones where the transmissions would occur.

most frequencies, but would be able to roam on the frequency of the Prison Service Provider. That Provider would have been provided the numbers of all authorized phones in the prison confines and would only allow those calls to go through, either under a normal roaming arrangement with the "home" carrier which issued the phone or because the user is a subscriber to the Provider's own system. Authorized users would either be prison officials who would be allowed to bring their phones into the prison, or visitors who had registered their phones with the prison upon entry. Unauthorized roaming calls would be blocked by the Prison Service Provider.

This system would effectively preclude all unauthorized phones from making calls while permitting authorized ones to be completed without a cumbersome and perhaps impossible process of getting all affected carriers to agree to lease their spectrum to a single entity. This process would not preclude inmates from receiving texts, but the lack of two way communications would severely hamper their criminal enterprises.

D. As long as a Prison Service Provider is operating and thus as long as the "quiet zone" designation remains in place, any carrier offering service in the area surrounding the prison would be relieved of any regulatory or other liability for calls made over its frequencies from the prison. The Prison Service Provider would be authorized to operate on those frequencies but only to the extent necessary to prevent transmissions from being completed in the prison confines.

Because signals do not confine themselves to human boundaries, even prison boundaries, there would have to be a small buffer zone around the prison to ensure that all unlawful transmissions within the prison were thwarted. We propose a buffer zone of three hundred meters. This buffer would be included within the "quiet zone" designation of the prison itself and should be sufficient for jamming operations intended to target only transmissions internal to

the prison while having a negligible effect on normal cellular communications outside the prison walls or borders. The buffer zone would be subject to modification to account for prison-specific circumstances such as very nearby roads or commercial areas where it is important not to disrupt ordinary communications. Normally, however, corrections facilities are relatively remote and a small buffer zone would not create a problem.

E. This plan relies on well-known quiet zone protection principles but extends not just to astronomical observations but to measures which directly protect human health and safety. The modest diminution in rights which the cellular carriers would experience under this plan is far outweighed by the benefits to the public which would result.

### CONCLUSION

NTCH urges the Commission to act decisively but also in a way that will actually achieve the result of impeding cell phone use in prisons. The measures originally proposed are fine as far as they go, but a more direct attack on the problem is needed if public safety is to be preserved.

NTCH, Inc.

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By: Donald J. Evans  
Its Attorney

July 18, 2013  
Fletcher, Heald & Hildreth  
1300 N. 17th St.  
Arlington, VA 22209  
703-812-0400