

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Promoting Technical 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)	PRM09WT
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)
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)
_____)

PRM11WT

To: The Commission

Reply Comments of CellAntenna Corp.

**CELLANTENNA CORP.
12453 MW 44TH STREET
CORAL SPRINGS, FL 33065**

**MARJORIE K. CONNER, ESQ.
J. ISAAC HIMOWITZ, ESQ.
DENTONS US LLP
1301 K STREET NW
WASHINGTON, DC 20005**

ITS COUNSEL

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SUMMARY

CellAntenna was the petitioner in two of the captioned petitions. In 2007, CellAntenna petitioned the Commission to allow the sale of jamming equipment to state and local law enforcement authorities, consistent with the Commission's public interest mandate. In 2011, CellAntenna petitioned the Commission to require providers of service to wireless devices, the carriers, to suspend service to contraband wireless devices identified as present in correctional facilities.

CellAntenna urges the Commission to adopt rules to allow the effective management of contraband wireless devices in correctional facilities, and still allow flexibility for innovation. A review of the comments demonstrates support for all of Jamming, Managed Access Systems ("MAS"), and Detect and Deactivate methods. CellAntenna urges the Commission to act to make all available to use, as the circumstances at each correctional facility dictate.

CellAntenna notes that the cost of each form of contraband wireless device interdiction varies. MAS may be appropriate for larger correctional facilities, but financially impractical for smaller ones. At the same time, none of these means of interdiction is perfect. Even at its higher cost, MAS is subject to abuses by personnel working with inmates to circumvent the rules.

The use of contraband wireless devices in correctional facilities has endangered the lives of corrections personnel and civilians alike. The Commission is empowered to adopt rules to facilitate interdiction. CellAntenna urges it do to so.

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To: The Commission

Reply Comments of CellAntenna Corp.

CellAntenna Corp., by counsel, and pursuant to Section 1.405(b) of the Commission's rules, 47 C.F.R. § 1.405(b), and the Commission's *Public Notice* in the proceeding,¹ replies to the comments submitted in the captioned proceeding.

I. CellAntenna

CellAntenna, Inc. ("CellAntenna") is a family-owned U.S. company, based in Coral Springs, Florida. Since 2002, CellAntenna has led the industry in marketing and servicing communications devices. In the course of its business, CellAntenna has developed a special expertise in ferreting out contraband wireless devices within correctional facilities.² CellAntenna's concern for the use of contraband wireless devices in correctional facilities is well known to the Commission. As a leading representative for a number of different equipment manufacturers, some which even enhance the signals of wireless devices, CellAntenna appreciates the tension between the need to combat use of contraband wireless devices and the importance of protecting legal communications of those outside correctional facilities.

CellAntenna was the petitioner in two of the captioned petitions. In 2007, CellAntenna petitioned the Commission to allow the sale of jamming equipment to state and local law enforcement authorities, consistent with the Commission's public interest mandate. In 2011, CellAntenna petitioned the Commission to require providers of service to wireless devices, the carriers, to suspend service to contraband wireless devices identified as present in correctional facilities.

¹ *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, GN Docket 13-111, DA 13-1681, 28 FCC Rcd _____ (Rel. July 31, 2013).

² "Correctional facility" means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses. 42 U.S.C. § 3791

CellAntenna appreciates the Commission's willingness to consider its two petitions for rule making and call for comment on them. Interestingly, a large number of commenters favor jamming as a commenters also favor CellAntenna's proposal for suspension of service to wireless devices detected as contraband in correctional facilities.³

CellAntenna urges the Commission to adopt rules to allow the effective management of contraband wireless devices in correctional facilities, and still allow flexibility for innovation. A review of the comments demonstrates support for all of Jamming, Managed Access Systems ("MAS"), and Detect and Deactivate methods. CellAntenna urges the Commission to act to make all available to use, as the circumstances at each correctional facility dictate.

II. The Commission has the Authority to Create Areas in which Jamming is Allowed

As the comments make clear, numerous states, correctional departments, and corrections staff unions consider jamming to be a useful and effective response to the problem of illegal mobile phones in jails and prisons. If Call Suppression within a DAS Network is considered "jamming", the Commission is empowered to allow Call Suppression, despite the limitations of Section 333 of the Communications Act of 1934, as amended, 47 C.F.R. § 333.

A. Section 333 is a Bar to Interference only with Licensed or Authorized Communications.

In the comments in this proceeding, carriers and other opponents of claimed that Section 333 of the Act is an absolute bar to the use of jamming technologies. If necessary, the FCC has authority to modify spectrum licenses to prohibit (or at least not authorize) the use of mobile telephone spectrum in certain specified areas. Use of that authority, clearly granted under the Act, allows the Commission to sanction jamming where corrections officials ask for it.

As the plain language of Section 333 of the Act makes clear, not all willful interference with radio communications is prohibited -- only willful interference with "licensed or authorized" communications. Specifically, Section 333 of the Act provides:

³³ Comments of the Boeing Company, filed July 18, 2013; Comments of Florida Department of Corrections, filed July 18, 2013; Comments of GEO Group, Inc., filed July 18, 2013; Comments of Maryland Department of Public Safety and Correctional Services; Comments of Minnesota Department of Corrections, filed July 18, 2013; Comments of Mississippi Department of Corrections, filed July 18, 2013; and Comments of Texas Department of Criminal Justice, filed July 18, 2013.

No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this chapter or operated by the United States government.⁴

To the extent that a licensee is not licensed or authorized by the FCC to provide service within a given area, Section 333 does not prohibit the use of jamming technology to interfere with that service within the unlicensed area.

In the context of correctional facilities, as recommended by NTCH, Inc.,⁵ in its comments, the most efficient way to accomplish the laudable goal of battling the illegal and dangerous use of wireless devices in correctional facilities, consistent with Section 333, is for the Commission to declare certain areas to be “no service” zones where no licensee is authorized to provide mobile service.⁶ In such areas, jamming of mobile services would be permissible under Section 333, as those communications would be neither licensed nor authorized. Conversely, licensees in areas outside the “no service” zones would still have all the protections of Section 333 available to them, and would retain full legal rights to protest any “bleed over” jamming that affects service outside the “no service” zones.

The “no service” zone concept has been used in other contexts, with minimal problems. The largest example within the United States is the National Radio Quiet Zone (“NRQZ”) located across Maryland, Virginia, and West Virginia. In that NRQZ, broadcast transmitters (including mobile service providers) are generally prohibited, with exceptions made upon specific application to the FCC.

Similarly, the European Union has adopted special rules limiting the licensing and operation of mobile services in aircrafts⁷. Specifically, the European Union has found that public safety concerns trump any rights spectrum licensees may have to provide service within the cabin of an airplane. As Boeing explained in its comments, “European regulators considering the similarly isolated spectrum environment inside an aircraft cabin concluded that carriers have no expectation of control of spectrum within the cabin of an aircraft and that mobile devices in this unique environment could and must be controlled by the airline.” Like the interior of an airplane, correctional facilities are unique environments where spectrum must be tightly controlled to ensure the safety of both prisoners and the public, and there is no reason for

⁴ 47 U.S.C. § 333.

⁵ See *also*, Comments of Marcus Spectrum Solution, filed July 18, 2013, at 28-31.

⁶ Comments of NTCH, Inc., filed July 18, 2013, at 3.

⁷ Comments of Boeing Company, filed July 18, 2013, at 10.

not excepting jails and prisons from those areas where a licensee may provide service without interference.

B. Decisions Regarding "No Service" Zones Should Be Made Locally.

Each correctional facility should be allowed to determine its need for a "no service" zone. Local decisions relieve the FCC from any sweeping action and allow local conditions to dictate the need. Because each jail or prison faces unique challenges in terms of its geography, jamming may not be appropriate or possible in all areas. For example, while the accuracy of jamming technology has greatly improved, jamming may not still not be appropriate in urban city jails that are located in densely populated communities.⁸ Therefore, the FCC should establish a process by which "no service" zones may be established. For example, corrections officials could petition the FCC to have the boundaries of their facilities declared a "no service" zone. Any request must be served on each carrier providing service to the proposed "no service" zone. The carriers may have a time in which they can object and then along with the public service and corrections officials, the FCC may make a determination on whether the "no service" zone should be designated.

Once designated, the FCC may establish a process for those providing service outside the "no service" zone to register complaints about interference emanating from within the "no service" zone. Such safeguards would be more than sufficient to meet the concerns of the communities surrounding correctional institutions, while still permitting the use of cell phone jamming within correctional institutions when such measures are appropriate.

Having created "no service" zones, jamming within them is not jamming authorized or licensed service, and therefore is not violative of Section 333 of the Act.

III. CellAntenna Supports MAS as an alternative.

Managed access systems intercept calls to allow corrections officials to prevent inmates' access to carrier networks. The signal is not blocked, but is captured (or re-routed) so that communication with the base station is effectively interrupted. Managed access allows completion of calls from legitimate wireless or "white-listed" devices.

⁸⁸ See Marcus Spectrum Solution Comments at 21.

Managed access is accomplished through a variety of processes, but all deny service to wireless devices not known to be legitimate. Managed access is popular with CMRS providers because of its ability to discriminate against contraband wireless devices, while preserving service to legitimate devices. Wardens find managed access difficult because burdensome negotiation of a capacity lease with each CMRS provider and because deployment is complicated and costly

The Comments in this proceeding indicate that Managed Access Systems ("MAS") are favored by a number of correctional facilities. The State of California Department of Corrections and Rehabilitation, Minnesota Department of Corrections, the Oklahoma Corrections Professionals, the Texas Department of Criminal Justice, the Indiana Department of Correction, the Delaware Department of Correction, the Florida Department of Corrections, and the Mississippi Department of Corrections all expressed a clear preference for availability of MAS, and streamlined processes to ease the deployment. Each of these entities is aware that MAS can still be circumvented by offenders. As Securus Technologies Inc. notes, if a correctional facility employee smuggles a device into the facility, chances are good that the same employee has added the smuggled device to a white-list, so that the MAS limitations are defeated.

Even so, MAS is a valuable tool in the battle against contraband wireless devices in correctional facilities. CellAntenna supports the Commission's proposed actions to promote its robust deployment. CellAntenna supports the Commission's proposal to streamline the spectrum lease process to ease the burden on the corrections officials using MAS to control contraband wireless devices within their correctional facilities.

IV. CellAntenna Detection and Deactivation Proposal.

CellAntenna's September 2011 Petition for Rule Making noted that detection is the least controversial and least expensive of the available methods to control contraband wireless devices in correctional facilities. CellAntenna noted that detection is only a first step. To be effective, detection must be followed by deactivation.

To this end, CellAntenna proposed that the Commission add to Section 20.15(a), 47 C.F.R. § 20.15(a), new subsections (1) and (2) as follows:

(1) If a CMRS carrier receives notice from a Warden or other ranking official at a correctional facility that a wireless device served by that CMRS carrier is operating within the confines of the correctional facility, it shall suspend service to the identified wireless device within one (1) hour after receipt of the notice.

(A) The notice from the Warden shall be in writing and may be transmitted by facsimile or by means of electronic mail.

(B) The notice from the Warden shall include the ESN / MIN or IMEI / IMSI as the case may be, for the wireless device, as well as any other identifying information available to the Warden.

(2) No CMRS provider suspending service under subsection (1) above will be held to have violated any law, rule or regulation of the FCC:

(A) so long as its action to suspend the service was taken in good faith reliance on a Warden's notice; and

(B) if presented with compelling evidence contradicting the Warden's notice, the Carrier took immediate action to reinstate the suspended service.

Criticism of CellAntenna's proposal came mostly from carriers. Verizon Wireless and AT&T would require a court order to deactivate a device⁹. CTIA would burden the FCC with a process to avoid inadvertent shut downs of innocent bystander devices.¹⁰

Tecore and ShawnTech raised concerns that SIM cards could be easily replaced so that devices would be only temporarily deactivated.¹¹ Both posited that a device that recorded and reported a full array of device information would yield more effective results. CellAntenna proposes that authorized detection devices collect full information and that it all be reported to carriers.

None of these criticisms raises a roadblock to adoption of a process by which devices reported as contraband in correctional facilities may be deactivated. In fact, with the carriers' cooperation, carriers could retain the discretion to bring their fraud teams' expertise to assess any report of a contraband device. The carrier's fraud team could assess the circumstances under which the device was purchased

⁹ Comments of Verizon Wireless, filed July 18, 2013, at 7; Comments of AT&T, Inc., filed July 18, 2013, at 7.

¹⁰ Comments of CTIA - The Wireless Association, filed July 18 2013, at 8. CTIA also expressed concerns about the wealth of information available to detection devices. While CellAntenna does not operate the equipment, it expects that those who use the detection device will comply with the law, including the Pen Register Act, as amended. [cite]

¹¹ Comments of ShawnTech Communications, Inc., filed July 17, 2013, at 6; Comments of Tecore Networks, filed July 18, 2013, at 22-24.

or otherwise acquired, the device's history, and, over time the history of reliability of the correctional institution.

Based on CellAntenna's experience and discussions with AT&T, CellAntenna proposes the following division of responsibility in the detection of contraband wireless devices; the reporting of their illicit operation; and the suspension of service to them.

A. Detection Equipment.

Consistent with its proposal for call suppression and MAS, CellAntenna proposes that active detection devices be operated only within a DAS environment. The DAS-integrated detection equipment derives more robust information. That better information can be passed on to the carriers for more certain suspension of service. At a minimum, the detection equipment must identify:

1. IMSI/IMEI for GSM and UMTS devices, ESN/MIN for CDMA devices and IMSI for LTE and 3G devices;
2. Verification that proper functioning of the device was confirmed within the immediately preceding seven (7) days;
3. Verification of a confirming search identifying each of the listed contraband devices at least two times within a three (3) day period.

B. Notice to the Carrier

A form of notice should be developed to include:

1. IMSI/IMEI or ESN/MIN (for 3G or LTE IMSI only) the first time it is observed; and
2. The number of times the device is observed in the correctional facility since the first observation

CellAntenna recognizes the carriers' need for a reliable single point of contact at each correctional facility. CellAntenna further recognizes the need for the single point of contact to act under the color of authority granted by the state department of corrections. CellAntenna proposes that the term "Warden" be defined and used in the rules to mean the single point of contact authorized by the state department of corrections to provide information to the carriers concerning contraband wireless devices located on the premises of the correctional facility.

C. Carrier Response

As CellAntenna noted in its Petition, all the detection and reporting in the world is useless without swift carrier action to suspend service to devices detected as contraband on prison premises. The

Commission must require action by the carriers. Each carrier can bring its own talent and experience to bear in assessing the reports of contraband devices on prison property, but must suspend service unless there is a good reason not to do so.

CellAntenna's experience suggests that carriers occasionally may be overloaded with reports of contraband wireless devices, particularly when a correctional facility first begins to sweep the facility. For that reason, CellAntenna would revise its earlier proposed rules and offer a staged obligation based on the volume of reports or inquiries the carrier received concerning contraband wireless devices.

CellAntenna now proposes that the Commission add to Section 20.15(a), 47 C.F.R. § 20.15(a), new subsections (1) and (2) as follows:

(1) If a CMRS carrier receives notice, in writing, by electronic mail or facsimile, from a Warden or other ranking state official at a correctional facility that a wireless device served by that CMRS carrier is operating within the confines of the correctional facility, including the ESN/MIN, IMSI/IMEI or for LTE and 3G devices only IMSI, as the case may be, for the wireless device, it shall suspend service to the identified wireless device as follows:

(A) If the carrier received less than five hundred contraband wireless device inquiries within the preceding twenty-four (24) hours, the carrier shall suspend service within one (1) hour¹² after receipt of the notice;

(B) If the carrier received more than five hundred but less than one thousand contraband wireless device inquiries within the preceding twenty-four (24) hours, the carrier shall suspend service within four (4) hours after receipt of the notice;

(C) If the carrier received more than one thousand but less than two thousand contraband wireless device inquiries within the preceding twenty-four (24) hours, the carrier shall suspend service within twenty-four (24) hours after receipt of the notice.

(2) No CMRS provider suspending service under subsection (1) above will be held to have violated any law, rule or regulation of the FCC:

(A) so long as its action to suspend the service was taken in good faith reliance on a Warden's notice; and

(B) if presented with compelling evidence contradicting the Warden's notice, the Carrier took immediate action to reinstate the suspended service.

¹² In its Comments in this proceeding, CellAntenna expanded its proposed time frame in the hope that the carriers would engage in productive debate on the proposed rules. The Florida Department of Corrections, however, emphasized the need for quick suspension of service when a contraband wireless device is located within one of its correctional facilities, "unless there is a documentable life safety issue that would justify immediate termination." Florida Department of Corrections Comments at 2. CellAntenna trusts that the Commission will weigh the competing considerations and determine a reasonable time frame for suspension of service to a contraband device found within a correctional facility.

(3) If a carrier presented with a contraband wireless device inquiry believes in good faith upon due inquiry that the inquiry is in error for any reason, it may choose not to suspend service to the identified device.

V. Carrier Cooperation

CellAntenna notes that CMRS carriers may take simple steps to minimize the burden of contraband wireless devices in correctional facilities and to ensure the success of the eradication efforts under consideration in this proceeding.

Among the simple steps, carriers could avoid orienting antennas toward correctional facilities where eradication efforts are underway.¹³ If the signal to the correctional facility is strong, the eradication devices must operate at even higher power to detect and control contraband devices. The battle of signals is costly, in terms of power and more sophisticated equipment. Carrier cooperation to reduce signal strength in and around correctional facilities would avoid the additional costs.

CellAntenna urges the Commission to require carriers to align antennas so that none points directly toward a correctional facility. The Commission should also urge lower power levels near correctional facilities, when possible. The Commission should also mandate consideration of the location of correctional facilities in future network planning.

VI. Concerns about access to 911

NENA, the 9-1-1 Association, AT&T, CTIA, and VANU Cellular Suppression all bemoan the loss of access to 9-1-1 service if a call is suppressed or a service to a device is suspended. Prisoner access to 9-1-1 service is not a public benefit.

Amusing anecdotes about prisoners calling 911 to report being held against their will or mistreated by prison officials abound.¹⁴ But prisoner access to 911 is no joke. As the Office of the Secretary, State of California - Department of Corrections and rehabilitation noted in its comments:

¹³ CellAntenna is concerned that carriers may be working to improve service to contraband wireless devices within correctional facilities. Certainly, actively promoting service to inmates in correctional facilities is contrary to the public interest mandate sewn into every license issued by the Commission.

¹⁴ Scottsdale Woman Booked for Calling 911 From Inside Jail, June 20, 2012, Man Calls 911 From Jail: "I'm Getting Hogtied to the Holding Cell Up Here", March 11, 2011, AOL News, <http://www.aolnews.com/2011/03/18/man-calls-911-from-jail-im-getting-hogtied-to-the-holding-cell/>; Carly Houston to Naperville 911, "Help, I'm Trapped Inside a Jail," March 24, 2010, The Weekly Vice,

When technical difficulties resulted in its MAS being briefly inoperable, inmates were left with the impression that a call to emergency 9-1-1 would result in MAS being inoperable and their cell phones would be usable. The PSAP (an emergency dispatch center in the rural county in which the prison is located) received hundreds of non-emergency calls from inmates attempting to bring down the MAS. ... Had any true emergency call come through during the time the dispatcher was tied up on one of the hundreds of [inmate] calls, the results could have been tragic."¹⁵

This type of harassment is typical.

Allowing contraband wireless devices to dial 911 or any other number is inviting inmates to harass the unfortunate person with the duty to answer the call when it comes. The Commission should not require any of the available technologies to complete calls to 911 from contraband wireless devices.

This is particularly appropriate because 911 access remains available by landline and assistance is available to corrections officers through the internal communications devices each keeps on his or her person.

VII. Interference Concerns Managed by Technology

CellAntenna manages contraband wireless devices in prisons through deployment of internal DAS Networks. A typical DAS Network consists of three primary components: (i) a number of remote communications nodes (DAS Node(s)), each including at least one antenna for the transmission and reception of a wireless service provider's RF signals; (ii) a high capacity signal transport medium (typically fiber optic cable) connecting each DAS Node back to a central communications hub site; and (iii) radio transceivers or other head-end equipment located at the hub site that propagates and/or converts, processes or controls the communications signals transmitted and received through the DAS Nodes. Depending on the particular DAS Network architecture and the environment in which it is deployed, DAS Nodes may include equipment in addition to the antennas, e.g., amplifiers, remote radio heads, signal converters and power supplies. DAS Networks deployed to manage contraband wireless devices in correctional facilities are different from typical DAS Networks because they are closed networks, not interconnected with the Public Switched Telephone Network ("PSTN") or any other network.

<http://www.theweeklyvice.com/2010/03/carly-houston-to-naperville-911-help-im.html>; Pete Kotz, "Joseph Walsh Calls 911 From Jail to Complain About Being Mistreated," True Crime Report, March 16, 2011, http://www.truecrimereport.com/2011/03/joseph_walsh_calls_911_from_ja.php.

¹⁵ California Corrections at 4.

As the Commission is aware, DAS Networks reliably avoid interference with other nearby communications. These attributes extend to CellAntenna's DAS Network-based technologies, particularly those installed in correctional facilities.

DAS Networks installed in correctional facilities to manage contraband wireless devices are like DAS Networks in the limited range of the network. The transmit power levels of the DAS Network antennas can be lower, as the carrier's signals are naturally attenuated inside the correctional facility. In turn, the DAS Network emissions are naturally attenuated by the structure of the correctional facility, particularly the usual steel reinforced concrete structures typically used in correctional facilities. Even if there were some spurious emissions, emissions from DAS Networks are easily controlled.

DAS Networks can be used in management of contraband wireless devices through call detection, call management, and even through call suppression. Once a DAS Network is installed in a correctional facility, the equipment connected to it determines how the particular location manages the contraband devices inside it.

VIII. All Technologies Should Be Available to Manage Contraband Wireless Devices

As VANU Cellular Suppression, the Delaware Department of Correction, and the ACA - American Correctional Association noted in their comments, innovation creates competition in the marketplace, allowing each correctional facility to choose the tool that fits its needs. Marcus Spectrum Solution calls for rules with sufficient flexibility to support continued innovation. CellAntenna agrees wholeheartedly. While none is perfect and each suffers its unique weaknesses, MAS, and Detection and Deactivation are both viable, legal forms of management of contraband wireless devices in correctional facilities. If the Commission takes action to create "no service" zones, Jamming could be a cost-effective means of managing contraband wireless devices in correctional facilities, as well.

CellAntenna asks the Commission to act with haste to create rules by which each form of device management is effectively available to correctional facilities.

Respectfully submitted,

CELLANTENNA CORPORATION

By: 

Marjorie K. Conner
J. Isaac Himowitz
DENTONS US LLP
1301 K Street, NW
Suite 600 East Tower
Washington, DC 20005
(202) 408-8529

Counsel for CellAntenna Corporation

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