

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

In the Matter of	)	
	)	
Amendment of Parts 1, 2, 22, 24, 27, 90 and 95	)	WT Docket No. 10-4
of the Commission’s Rules to Improve Wireless	)	
Coverage Through the Use of Signal Boosters	)	
	)	
Wireless Telecommunications Bureau Seeks	)	DA 13-2465
Comment on ClearRF Request of Waiver of	)	
March 1, 2014 Signal Booster Compliance	)	
Deadline	)	

**REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®**

CTIA – The Wireless Association® (“CTIA”) hereby submits these reply comments in response to the Commission’s Public Notice seeking comment on a request by ClearRF LLC (“ClearRF”) for waiver of the Commission’s March 1, 2014 signal booster compliance deadline.<sup>1</sup> In its Request and subsequent supplement, ClearRF requested an additional six to ten months to sell signal boosters that do not comply with the technical requirements contained in section 20.21 of the Commission’s rules.<sup>2</sup> Now another booster manufacturer, Cellphone-Mate, Inc. (“Cellphone-Mate”) has requested that the relief sought by ClearRF be extended to the entire

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<sup>1</sup> *Wireless Telecommunications Bureau Seeks Comment on ClearRF Request for Waiver of March 1, 2014 Signal Booster Compliance Deadline*, Public Notice, DA 13-2465 (Dec. 23, 2013) (“Public Notice”).

<sup>2</sup> 47 C.F.R. § 20.21. *See* Letter to Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, from Shawn Taylor, Chief Operating Officer, ClearRF, LLC, dated Dec. 9, 2013 (“ClearRF December 9 Request”). ClearRF, LLC filed a supplement to the Dec. 9, 2013 waiver request on Dec. 20, 2013. *See* Letter to Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, from Shawn Taylor, Chief Operating Officer, ClearRF, LLC, dated Dec. 20, 2013 (“ClearRF December 20 Supplement”).

booster industry.<sup>3</sup> Notably, Cellphone-Mate seeks this waiver despite its public statements that it stands prepared to comply with the current deadline. CTIA opposes this request and reiterates its support for the Commission’s existing signal booster compliance deadline.

In its comments, Cellphone-Mate does not reach the specific merits of ClearRF’s request, instead advocating that the relief sought by ClearRF be extended to all signal booster manufacturers.<sup>4</sup> While both ClearRF and Cellphone-Mate assert that delays in the testing and certification process are to blame for manufacturers’ struggle to produce compliant products,<sup>5</sup> the transition period established by the Commission was more generous than originally proposed and designed to reflect the issues cited by ClearRF and Cellphone-Mate. As CTIA and Verizon Wireless noted in their initial comments, the Commission originally sought a six month transition period, but ultimately adopted its March 1, 2014 deadline to ensure adequate time given the need to develop test procedures.<sup>6</sup> Indeed, the Commission recognized that its rules “include new types of technical requirements for which there is no precedent” and that the process of developing testing procedures and reviewing certification applications “will take until late fall.”<sup>7</sup> Because these issues were foreseen by the Commission, built into its adopted

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<sup>3</sup> Comments of Cellphone-Mate, Inc. on ClearRF Request for Waiver, WT Docket NO. 10-4 (Jan. 14, 2014) (“Cellphone-Mate Comments”).

<sup>4</sup> *Id.* at 1.

<sup>5</sup> *Id.* at 2-3; ClearRF December 9 Request; ClearRF December 20 Supplement.

<sup>6</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*, Report and Order, 28 FCC Rcd 01663, n. 297 (2013) (“*Report and Order*”). *See also* Comments of CTIA – The Wireless Association®, WT Docket No. 10-4 (Jan. 14, 2014) (“CTIA Comments”); Verizon Wireless Comments, WT Docket No. 10-4, at 5 (Jan. 14, 2014).

<sup>7</sup> *Report and Order* at n. 297.

timeline, and announced to interested parties in the *Report and Order*, they do not support a waiver at this late stage of the transition period.<sup>8</sup>

The Commission also must reject Cellphone-Mate’s argument that a waiver would be non-injurious to wireless carriers because existing boosters contain interference-preventing features.<sup>9</sup> The Commission should reject this argument for the same reasons previously articulated by CTIA in response to a similar statement by ClearRF.<sup>10</sup> The Commission properly found in the *Report and Order* that “[r]equiring signal boosters to be manufactured to meet our newly adopted, rigorous technical requirements is the cornerstone of promoting access to such devices while minimizing the potential for harmful interference.”<sup>11</sup> The Commission’s new regulatory framework plays the essential role of “preventing, controlling, and, if necessary, resolving interference to wireless networks.”<sup>12</sup> The certification process is particularly important in light of documented incidents of interference caused by boosters that were advertised to contain interference-preventing safeguards.<sup>13</sup>

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<sup>8</sup> Just as there is no justification for an industry-wide waiver at this stage based on timing issues that were known in February 2013, a Commission “shot clock” mechanism, such as that proposed by Nextivity, is similarly inappropriate. Comments of Nextivity, Inc., WT Docket No. 10-4 (Jan. 14, 2014).

<sup>9</sup> Cellphone-Mate Comments at 6.

<sup>10</sup> CTIA Comments at 9-11.

<sup>11</sup> *Report and Order* at ¶ 60.

<sup>12</sup> *Id.*

<sup>13</sup> Verizon in particular has reported numerous incidents caused by a Wilson Electronics booster boasting the same features highlighted by ClearRF as being sufficient to prevent interference. Comments of Verizon Wireless, WT Docket No. 10-4, at 14-15 (Feb. 4, 2010) (“At least four of the interference incidents noted above were caused by Wilson BDAs employing ‘Smart Tech’ technology. According to Wilson, this technology enables bi-directional amplifiers to automatically prevent oscillations and adjust their power based on the cell site’s requirements, thus preventing overload of the carrier’s network or interference with other users on the system.

Finally, CTIA notes that Cellphone-Mate's request for waiver is inconsistent with its previous statements of readiness to comply with the March 1 deadline. On December 2, 2013, Cellphone-Mate issued a press release indicating that four of its products have already passed all tests for pending FCC approval and that they would be scheduled to ship in January 2014.<sup>14</sup> Cellphone-Mate is arguing that a waiver of the Commission deadline is appropriate because only some – but not all – of its booster models will be ready to ship by March 2014.<sup>15</sup> The Commission must reject this argument, as waiver is only appropriate where unusual factual circumstances make application of the rule inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.<sup>16</sup> Cellphone-Mate and several other manufacturers have demonstrated that they will be able to deploy compliant products by the Commission's deadline.<sup>17</sup> As such, there is no public interest justification for the continued marketing and sale of noncompliant boosters. Similarly, there is no basis for Cellphone-Mate's concern that enforcement of the existing deadline will harm competition in the booster market.<sup>18</sup>

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Wilson's 'Smart Tech' amplifiers include the features – oscillation control, amplification control, and bi-directional – that Wilson claims the FCC should adopt to prevent harmful interference. The fact that these features did not work to prevent interference in at least some incidents shows that device standards alone are not sufficient to prevent interference.”).

<sup>14</sup> News Release, SureCall by Cellphone-Mate, “Four Cellphone-Mate Products Pass New FCC Certification Tests for Agency Approval” (Dec. 2, 2013), *available at* <http://www.surecall.com/UploadFiles/20131202/2013120211250090.pdf>.

<sup>15</sup> Cellphone-Mate Comments at n. 5.

<sup>16</sup> *See* 47 C.F.R. § 1.925(b)(3).

<sup>17</sup> CTIA Comments at 4-5 (summarizing the efforts of Wilson Electronics, Cellphone-Mate, zBoost, and SmoothTalker).

<sup>18</sup> Cellphone-Mate Comments at 5-6 (arguing that strict adherence to the deadline “could harm competitiveness in the booster market over the long term by significantly contracting the number of booster manufacturers with salable products during a critical period in which major

For the reasons stated above and in CTIA’s initial comments, the Commission should deny the waiver requests of ClearRF and Cellphone-Mate for waiver of the March 1, 2014 deadline for signal booster certification and compliance. Enforcement of the existing deadline will serve numerous public interest benefits, and the deadline’s opponents have failed to justify their requests for waiver.

Respectfully submitted,

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booster manufacturers expect to ‘aggressively market new devices to consumers, hastening the migration to new booster technologies.’”).