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MAY 29, 2014

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**CONFIDENTIAL TREATMENT REQUESTED**

Marlene H. Dortch, Secretary  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of *Ex Parte* Communication and Update by CellAntenna Corporation  
Regarding Promoting Technical Solutions to Combat Contraband Wireless  
Device Use in Correctional Facilities – GN Docket No 13-111 and Request for Confidential  
Treatment pursuant to Sections 0.457 and 0.459 of the Commission’s Rules, 47 C.F.R. §§ 0.457  
and 0.459

Dear Ms. Dortch:

I am writing in accordance with Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206, to disclose a telephone conversation between Roger Noel, Chief of the Wireless Telecommunications Bureau’s Mobility Division, and undersigned counsel, which took place on May 27, 2014. During the telephone conversation, CellAntenna’s counsel updated Mr. Noel on CellAntenna’s efforts toward cooperation from the big four wireless carriers in completing the tasks necessary to eradicate contraband wireless devices from correctional facilities using CellAntenna’s Guardian Service.

As Mr. Noel and undersigned counsel discussed, each carrier has responded differently to CellAntenna’s entreaties to cooperate. Each carrier with which CellAntenna has substantially discussed cooperation has requested confidential protection for the substance of our conversations. The information relates to trade secrets and processes considered proprietary. For this reason, CellAntenna requests confidential treatment, as contemplated under Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457 and 0.459, for the information noted as confidential below:

**\*\*\*BEGIN CONFIDENTIAL INFORMATION\*\*\***

[REDACTED]

[REDACTED]

[REDACTED]

**\*\*\*END CONFIDENTIAL INFORMATION\*\*\***

- T-Mobile met with CellAntenna in March, 2014, in Washington, DC. At that meeting, T-Mobile suggested that CellAntenna contact the Bellevue, Washington office to discuss cooperation. CellAntenna has

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attempted to reach T-Mobile's Bellevue office, but no calls have been returned; no response to emails has been received.

The carriers seem to be concerned about liability for disconnecting a device incorrectly identified as contraband. This concern is ill-founded. Each carrier's customer agreement exculpates the carrier in the event of any interruption of service. The carrier's agreements also prohibit illegal use of the carrier's service.

Despite the significant protection of each carrier's customer agreement, each of the carriers with whom CellAntenna consulted indicated that the liability protection afforded by a court order to disconnect contraband wireless devices is an attractive shelter. At the same time, some of the carriers recognize that their own security departments are in the best position to evaluate the activity on and the character of the account of each device reported as contraband and determine whether it is actually in use by a prisoner inside a correctional facility. Based on that evaluation, the carriers may exercise their expert discretion in determining whether a wireless device is contraband inside a correctional facility and whether, as such, it should be deactivated.

In fact, one brave carrier has deactivated devices found in a prison. In the ensuing weeks, no customer complained that his or her device had been wrongfully deactivated.

Clearly, it is encouraging that some devices have been deactivated, but until all of the largest carriers take action, whether voluntarily or because the Commission orders action, prisoners may continue to use wireless devices within correctional facilities freely. In fact, the carriers that refuse to deactivate the contraband devices may well gain subscribers because, over time, prisoner-customers will figure out which carriers' devices work and obtain service from those uncooperative carriers.

In the conversation with Mr. Noel, counsel for CellAntenna reiterated the need for carrier participation in the process of finding and eliminating contraband wireless devices in correctional facilities. CellAntenna noted that some carriers appear to need Commission encouragement – or mandate to help eradicate illegal use of their devices and services.

Should questions arise in connection with this filing, please give me a call.

Very truly yours,

  
Marjorie K. Conner

cc: Roger S. Noel  
Lloyd Coward  
Melissa Conway  
Brian Regan  
Luis Zambrano  
John Leibovitz  
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