
July 30, 2009

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Docket No. WT 09-30

Dear Ms. Dortch,

The Wireless Communications Association International (WCAI) submits this letter in response to the Petition for Rulemaking of the South Carolina Department of Corrections.

The Commission should dismiss the petition because the Commission lacks authority to authorizing jamming equipment. Although WCAI supports efforts to stop the use of contraband mobile devices in correctional institutions, WCAI agrees with the previous opinions of the Commission that the Commission lacks authority to authorize jamming equipment.¹ Because it lacks the authority to grant the relief requested, the Commission should summarily dismiss the petition.

The Commission should work with correctional institutions, the industry, and others to develop alternative solutions to jamming. Lack of legal authority to permit jamming does not mean that the Commission has no role to play here. With its vast communications experience and ability to act as an intermediary among industry and government entities, the Commission is in the best position to facilitate the development of alternative solutions to the use of contraband mobile devices in correctional institutions. The wireless industry has pledged to assist in this effort² and believes that cell detection, managed access (technologies that permit only mobile devices on a previously approved white list to make phone calls), or other similar technical options may provide an ideal solution: one that solves the contraband problem without causing harmful interference to legitimate wireless communications. Accordingly, WCAI urges the Commission to work with correctional institutions, the industry, and others to develop alternative solutions to jamming.

Alternative solutions are critical because the use of jamming equipment in correctional institutions would imperil the nation's critical communications infrastructure. Developing alternative solutions is critical because, even if the Commission possessed the requisite

¹ See, e.g., Letter from James D. Schlichting, Acting Chief, Wireless Telecommunications Bureau, to Howard Melamed, CEO, CellAntenna Corp., DA 09-622 (dated Mar. 17, 2009).

² See Testimony of Steve Largent, President and CEO, CTIA – the Wireless Association (available at http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Testimony&Hearing_ID=643259b0-4102-425f-8fb2-f4f1b642b4b3&Witness_ID=64aaeadc-3b84-4abe-966c-20e6e9b1b2ab).

authority to permit jamming, the use of equipment designed to jam wireless would be the least desirable alternative. Unlike the options discussed above, the use of jamming equipment in correctional institutions would imperil the nation's critical communications infrastructure.

First, WCAI is skeptical that jamming within correctional institutions will be effective without also causing interference to communications outside correctional institutions.

Second, even assuming jammers within correctional institutions could avoid causing harmful interference outside those institutions, creating a market for the sale and use of jamming equipment would likely increase the illegal sale use of jamming equipment by unauthorized users. Evidence for this proposition resides in the long history of failed attempts to authorize the use of communications equipment by only a limited category of users. For example, the General Mobile Radio Service was intended for use only by licensed individuals and their immediate family members.³ However, "[t]he requirement for GMRS licensing is ignored by the vast majority of users of these frequencies," and "[e]nforcement against individuals is rarely, if ever, attempted."⁴ To provide a sense of the magnitude of the problem, it is estimated that 20 to 50 million GMRS radios have been sold compared to only approximately 120 thousand active GMRS licensees (per the FCC database).⁵ Similar problems have occurred or are ongoing in the low power broadcast auxiliary service (i.e., wireless microphones).⁶ Fortunately, these infractions have thus far resulted in relatively limited interference because the frequencies have traditionally been lightly-used (although that will soon change with regard to wireless microphones), and the devices have operated at relatively low power and with no intention of disrupting other communications.

Given these experiences, it is foreseeable that, if the government creates a new market for the sale and use of jamming equipment, millions of jammers will find their way into the hands of the general public. If they do, it is axiomatic that jammers will cause pervasive interference to authorized communications: jammers are specifically designed to interfere with other devices in heavily-used frequency bands. The result would be substantial disruption to our critical communications infrastructure.

Jamming would adversely affect public safety communications within prisons. The petition assumes that only prisoners use CMRS bands to communicate within prisons. Although this may be true in many cases today, this paradigm is changing. For example, the Commission has previously proposed that public safety and commercial entities share a network in the 700 MHz band.⁷ Should public safety and commercial entities develop a network that shares

³ See http://wireless.fcc.gov/services/index.htm?job=service_home&id=general_mobile.

⁴ See http://en.wikipedia.org/wiki/General_Mobile_Radio_Service.

⁵ *Id.*

⁶ See *Revisions to Rules Authorizing the Operation of Low Power Broadcast Auxiliary Stations in the 698-806 MHz Band*, Notice of Proposed Rulemaking, FCC 08-188, WT Docket No. 08-167 (2008) (available at http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520067422).

⁷ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Further Notice of Proposed Rulemaking, FCC 08-128 (2008) (available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-128A1.pdf).

spectrum, it would not be possible to jam prisoner communications without also jamming public safety communications using the shared network within the prison. In addition, radio-frequency identification and other machine-to-machine communications with public safety applications are increasingly being deployed on CMRS networks. Convergence of commercial and public safety communications networks (beyond the typical examples of E911 and priority access service) is still in its early stages but even now militates against relying on jamming when other solutions are available.

There is no evidence that solutions other than jamming are too expensive. Finally, there is no evidence that solutions other than jamming are too expensive. Jamming advocates have claimed that cell detection, managed access, or other alternatives are more expensive than jammers but have not presented any data regarding the actual costs of jamming versus these alternative solutions. Advocates of jamming who suggest that more rigorous enforcement is the answer to concerns regarding jamming also dismiss the costs of federal enforcement as well as the cost of harmful interference to authorized wireless communications should enforcement prove unsuccessful. Increased federal enforcement efforts would not be “free” nor would interference to authorized communications.

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It is precisely because jamming is so pernicious that the Communications Act forbids it. Yet there is no question that contraband mobile devices in correctional institutions pose dangers to public safety. Fortunately, there is a way past this Scylla and Charybdis. The time has come for the Commission, correctional institutions, industry, and other interested parties to collaborate on solutions that proactively solve this problem without jeopardizing legitimate wireless communications.

Sincerely,

/s/

Susan Polyakova
Vice President
WCAI