



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITIONS REGARDING THE USE OF SIGNAL BOOSTERS AND OTHER SIGNAL AMPLIFICATION TECHNIQUES USED WITH WIRELESS SERVICES

WT Docket No. 10-4

Comment Date: February 5, 2010
Reply Comment Date: February 22, 2010

By this notice, we seek comment on three Petitions for Rulemaking and two Petitions for Declaratory Ruling (collectively, Petitions) regarding the proper use of signal boosters on frequencies licensed under Parts 22, 24, 27, and 90 of the Commission's Rules. Signal boosters¹ are devices that amplify and/or distribute wireless signals to areas with poor signal coverage, such as tunnels, subways, large buildings, and rural areas. When properly installed, these devices, which can either be fixed or mobile, can help consumers, wireless service providers, and public safety first responders by expanding the area of reliable service to unserved or weak signal areas. However, as articulated in the Petitions, improper installation and use of these devices can interfere with network operations and cause interference to a range of communication services. While our rules allow the use of signal enhancing devices,² several parties have filed Petitions seeking clarification of or changes to Commission rules to address the proper use and regulation of these devices. We seek comment on these Petitions, which are discussed below.

On August 18, 2005, Bird Technologies, Inc. (Bird Technologies) filed a Petition for Rulemaking to amend section 90.219 to outline specific technical and operational requirements for the use of signal boosters by Part 90 licensees. Bird Technologies suggests that signal boosters should only be used with the full knowledge of licensees and that consumers should be made aware of the requirement to obtain licensee permission.

¹ Our use of the term "signal booster" in this Public Notice is intended to include all manner of amplifiers, repeaters, boosters, distributed antenna systems, and in-building radiation systems that serve to amplify CMRS device signals, Part 90 device signals, or extend the coverage area of CMRS providers or Part 90 service licensees.

² Generally, signal boosters are treated as licensed transmitting devices and must go through the equipment certification process outline in Part 2 of the Commission's Rules. Additionally, the Commission's rules and policies adopted pursuant to section 310(d) require that licensees maintain control over and responsibility for their assigned spectrum, equipment, and operations. Similarly, section 1.903 established that stations in wireless services may only be operated with an FCC authorization (*i.e.*, license). The rules applicable to Part 22 Cellular and Part 90 Specialized Mobile Radio (SMR) services specifically state that licensees can use signal boosters, in-building radiation systems and repeaters. *See generally*, 47 C.F.R. §§ 22.99, 22.383, 22.527, 90.7, 90.219, 90.247 and Part 2 subpart J.

On November 2, 2007, CTIA, the Wireless Association (CTIA) filed a Petition for Declaratory Ruling (CTIA Petition) regarding the proper use of signal boosters in Commercial Mobile Radio Services (CMRS). CTIA contends that harmful interference is being caused to CMRS networks by unauthorized and inappropriately installed signal booster devices, which impacts both commercial and public safety communications. CTIA urges the Commission to clarify that the sale or use of signal boosters without appropriate CMRS licensee consent is unlawful. The CTIA Petition also addresses the use of signal jamming devices, but we are not seeking comment on this issue in this proceeding.

On September 25, 2008, Jack Daniel DBA Jack Daniel Company filed a Petition for Declaratory Ruling seeking clarification of the Commission's rules regarding signal boosters. Generally, Mr. Daniel seeks clarification of the operational and technical limits that apply to Part 90 wideband signal boosters under the Commission's rules. He alleges that the Commission's rules and policies are being misinterpreted and that misconceptions exist in the marketplace. Mr. Daniel also requests that the Commission declare that it does not intend to regulate wideband signal boosters in such a manner to negate efforts by local governments and public safety entities to improve wireless coverage by mandating signal booster deployment.

On October 23, 2009, the DAS Forum (a membership section of PCIA-The Wireless Infrastructure Association) filed a Petition for Rulemaking in response to the CTIA Petition stating that a rulemaking proceeding is needed to address the marketing, installation, and operation of signal boosters used in the Cellular Radiotelephone and Personal Communications Services. It requests that the Commission explore the best methods of resolving interference issues without resorting to regulations that unnecessarily inhibit the sale and installation of signal boosters, such as requiring prior licensee consent, or hinder market innovations. The DAS Forum submits an Industry Code of Conduct as a reasonable structure for the development of rules to address the marketing and use of signal boosters and proposes that this Code can be easily incorporated in or cross-referenced by the Commission's rules.

On November 3, 2009, Wilson Electronics, Inc. ("Wilson") filed a Petition for Rulemaking asking the Commission to commence a proceeding to amend Part 20 of its rules to establish standards for the certification of signal boosters for subscriber use on CMRS networks by developing equipment certification requirements to ensure boosters are available to the public. Wilson states that the Commission, as opposed to wireless service providers, should adopt equipment certification requirements to ensure that signal boosters will not cause interference to network operations.

Procedural Matters

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.³ Parties making oral *ex parte* presentations are reminded that memoranda summarizing presentations must contain summaries of the substance of the presentations and not merely list the subjects discussed.⁴ More than a one- or two-sentence description of the views and arguments presented is generally required.⁵ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

³ See 47 C.F.R. §§ 1.1200(a), 1.1206.

⁴ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁵ See 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in section 1.1206(b). See 47 C.F.R. § 1.1206(b).

Interested parties may file comments on or before February 5, 2010 and reply comments on or before February 22, 2010. All filings should reference the docket number of this proceeding, WT Docket No. 10-4.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic statement in support of or in opposition to the Petition and/or replies thereto by Internet e-mail.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.⁶ All filings must be addressed to: Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

Comments filed in response to this *Public Notice*, along with the Petitions discussed above, will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 10-4. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail fcc@bcpiweb.com.

⁶ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, DA 09-2529 (rel. Dec. 3, 2009).

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, please contact Thomas Deringe of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2451 or thomas.deringe@fcc.gov, or Erin McGrath of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2042 or erin.mcgrath@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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