



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 13, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

I write in response to your letter seeking information on our equipment-authorization process regarding cell-site simulators. As you may recall, Congress has entrusted the Commission with the responsibility of authorizing commercial wireless equipment—specifically, to assess the impact and interaction of such equipment with the radiofrequency environment. Accordingly, cell-site simulators are evaluated to ensure they meet the Commission’s technical rules regarding radiofrequency transmissions. These rules are carefully designed to minimize the potential for harmful radiofrequency interference. Every certification is based upon laboratory testing of a sample, or samples, and then submitted for review by an FCC-recognized Telecommunications Certification Body.

You note a report from Canada and unsupported allegations that cell-site simulators cause significant interference to emergency services. Career Commission staff was unable to find actual test results by law enforcement authorities in Canada or any other credible evidence that authorized cell-site simulators used by federal law enforcement in the United States are failing to comply with the domestic requirement to cause a “minimum of interference.” 18 U.S.C. § 3124. Commission staff would be pleased to review such a report or other evidence of harmful interference should you make it available.

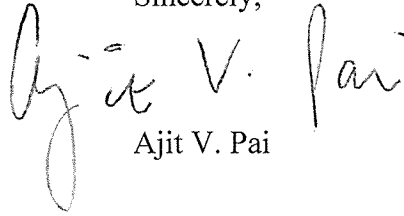
I understand you raise these questions in light of your concerns about the appropriate law enforcement use of cell-site simulators. In this regard, the Commission’s role is limited. We do not have the authority or expertise to determine which technologies are most appropriate for law enforcement use. Additionally, we cannot credibly question the conclusion of the bipartisan 2016 report of the House Committee on Oversight and Government Reform on “Law Enforcement Use of Cell-Site Simulation Technologies: Privacy Concerns and Recommendations,” that “emerging surveillance technologies like cell-site simulators represent a valuable law enforcement tool.” Finally, under current law we cannot proscribe the use of any technology by federal law enforcement—our jurisdiction does not extend to federal users.

Nonetheless, I agree with you that the Commission must continue to work with our federal partners to address issues that may arise in the use of cell-site simulators, and we look forward to reviewing any reports or credible evidence that cell-site simulators are creating

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harmful interference to normal operations. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai". The signature is written in black ink and is positioned to the left of the printed name.

Ajit V. Pai