



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 23, 2016

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

Dear Senator Wyden:

Thank you for your letter concerning recent reports about state and local law enforcement's use of "cell site simulators" (CSS), also commonly referred to as "Stingrays." I share your interest in this important topic. The FCC remains committed to protecting the integrity of the Nation's communications and to ensuring that use of equipment by all parties complies with U.S. law and FCC regulations.

While the use of CSS devices raises a range of issues, the Commission's responsibilities under the Communications Act are the authorization and operation of radio frequency transmitters and the appropriate use of spectrum for non-Federal use (*i.e.*, commercial, private internal business, personal, and state and local government use). Beginning in 2011, the Commission granted equipment authorizations for CSS devices. All grants of equipment authorization are publicly available on the FCC's website. I have attached copies of the grants of equipment authorization for the devices you identify in your letter. Each of these grants lists the frequency ranges over which the device operates and the device's maximum power levels. The potential operating range of each device depends on factors such as the location of the device, the power level used during actual operation, the local environment, and the type of antenna connected to the device. Equipment authorizations do not address the non-technical aspects of CSS device operation, such as whether law enforcement has appropriate court approval for such operation.

Each of our CSS equipment authorizations includes two important conditions. First, "[t]he marketing and sale of these devices shall be limited to federal, state, local public safety and law enforcement officials only." Second, "State and local law enforcement agencies must advance coordinate with the FBI the acquisition *and use* of the equipment authorized under this authorization" (emphasis added). Thus, our equipment authorization expressly contemplated that use of the equipment by state and local law enforcement would be under the auspices of the FBI. Notably, the implementation of these conditions does not mention nor did we require a non-disclosure agreement between a purchaser and the FBI.

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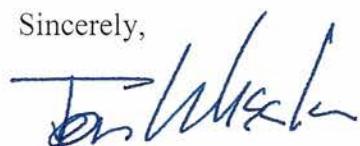
other states are exploring legislative limits on CSS use, and the Maryland Court of Special Appeals has imposed procedural conditions.

As you know, regulatory responsibility for the radio spectrum is divided between the FCC and the National Telecommunications and Information Administration (NTIA). NTIA administers spectrum and transmitter authorization for Federal use. Given this divided responsibility, we have engaged in discussions with our federal partners regarding the deployment and use of CSS, through the internal FCC task force on CSS that I established in 2014. That engagement is continuing.

As we go forward, I would be happy to make appropriate FCC staff available to you and your staff for additional discussions regarding our ongoing work on these important issues.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 23, 2016

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter concerning recent reports about state and local law enforcement's use of "cell site simulators" (CSS), also commonly referred to as "Stingrays." I share your interest in this important topic. The FCC remains committed to protecting the integrity of the Nation's communications and to ensuring that use of equipment by all parties complies with U.S. law and FCC regulations.

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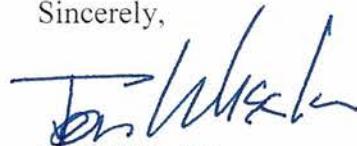
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Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 23, 2016

The Honorable Tom Udall
United States Senate
531 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter concerning recent reports about state and local law enforcement's use of "cell site simulators" (CSS), also commonly referred to as "Stingrays." I share your interest in this important topic. The FCC remains committed to protecting the integrity of the Nation's communications and to ensuring that use of equipment by all parties complies with U.S. law and FCC regulations.

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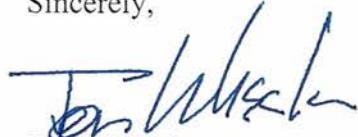
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 23, 2016

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

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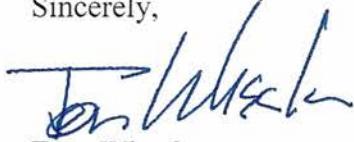
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Sincerely,



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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 23, 2016

The Honorable Jeff Merkley
United States Senate
313 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your letter concerning recent reports about state and local law enforcement's use of "cell site simulators" (CSS), also commonly referred to as "Stingrays." I share your interest in this important topic. The FCC remains committed to protecting the integrity of the Nation's communications and to ensuring that use of equipment by all parties complies with U.S. law and FCC regulations.

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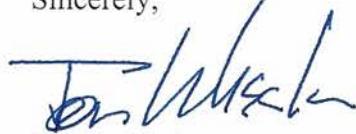
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Sincerely,


Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 23, 2016

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter concerning recent reports about state and local law enforcement's use of "cell site simulators" (CSS), also commonly referred to as "Stingrays." I share your interest in this important topic. The FCC remains committed to protecting the integrity of the Nation's communications and to ensuring that use of equipment by all parties complies with U.S. law and FCC regulations.

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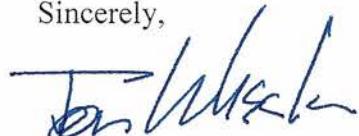
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
THE CHAIRMAN

November 23, 2016

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

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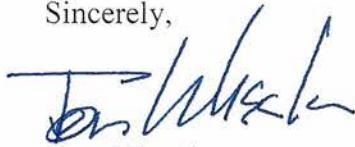
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Sincerely,



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Tom Wheeler



OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 23, 2016

The Honorable Martin Heinrich
United States Senate
303 Hart Senate Office Building
Washington, D.C. 20510

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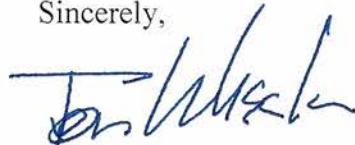
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
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November 23, 2016

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

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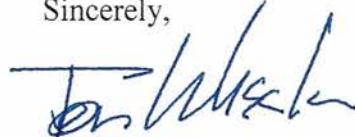
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
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November 23, 2016

The Honorable Chris Coons
United States Senate
127A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Coons:

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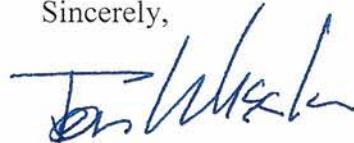
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November 23, 2016

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Brown:

Thank you for your letter concerning recent reports about state and local law enforcement's use of "cell site simulators" (CSS), also commonly referred to as "Stingrays." I share your interest in this important topic. The FCC remains committed to protecting the integrity of the Nation's communications and to ensuring that use of equipment by all parties complies with U.S. law and FCC regulations.

While the use of CSS devices raises a range of issues, the Commission's responsibilities under the Communications Act are the authorization and operation of radio frequency transmitters and the appropriate use of spectrum for non-Federal use (*i.e.*, commercial, private internal business, personal, and state and local government use). Beginning in 2011, the Commission granted equipment authorizations for CSS devices. All grants of equipment authorization are publicly available on the FCC's website. I have attached copies of the grants of equipment authorization for the devices you identify in your letter. Each of these grants lists the frequency ranges over which the device operates and the device's maximum power levels. The potential operating range of each device depends on factors such as the location of the device, the power level used during actual operation, the local environment, and the type of antenna connected to the device. Equipment authorizations do not address the non-technical aspects of CSS device operation, such as whether law enforcement has appropriate court approval for such operation.

Each of our CSS equipment authorizations includes two important conditions. First, "[t]he marketing and sale of these devices shall be limited to federal, state, local public safety and law enforcement officials only." Second, "State and local law enforcement agencies must advance coordinate with the FBI the acquisition *and use* of the equipment authorized under this authorization" (emphasis added). Thus, our equipment authorization expressly contemplated that use of the equipment by state and local law enforcement would be under the auspices of the FBI. Notably, the implementation of these conditions does not mention nor did we require a non-disclosure agreement between a purchaser and the FBI.

The use of CSS devices by federal law-enforcement agencies and by some state law-enforcement agencies is also limited by each agency's guidelines. In 2015, DOJ and DHS released guidelines regarding federal agencies' use of CSS devices. In addition, California and

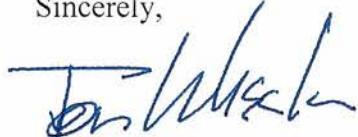
other states are exploring legislative limits on CSS use, and the Maryland Court of Special Appeals has imposed procedural conditions.

As you know, regulatory responsibility for the radio spectrum is divided between the FCC and the National Telecommunications and Information Administration (NTIA). NTIA administers spectrum and transmitter authorization for Federal use. Given this divided responsibility, we have engaged in discussions with our federal partners regarding the deployment and use of CSS, through the internal FCC task force on CSS that I established in 2014. That engagement is continuing.

As we go forward, I would be happy to make appropriate FCC staff available to you and your staff for additional discussions regarding our ongoing work on these important issues.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,


Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 23, 2016

The Honorable Tammy Baldwin
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

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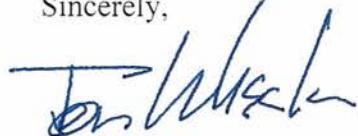
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