

will be made available by the solution provider for the immediate purchase and deployment by a carrier. That date shall, in no event, extend beyond the first currently scheduled software generic product release after the October 25, 1998, capability compliance date. With respect to item 3, the term "milestone timeline" refers to a schedule of the necessary design, development, and testing steps to be taken by a solution provider in making a product commercially available. With respect to item 4, a solution provider is expected to include a schedule specifying the time after the completion of each milestone when CIS will be able to verify that the milestone has been reached. With respect to item 5, the specific types of information contained in the affirmative confirmation of the foregoing schedule will include, but not be limited to, draft design documents, feature specification documents, and test results. With respect to item 6, a solution provider is expected to provide a schedule detailing the delivery to CIS of all necessary information for the government to make a determination of the fairness and reasonableness of the price of the solution provider's commercially available CALEA solution. With respect to item 7, the specific types of information contained in the price-related information of the foregoing schedule will include, but not be limited to, market prices of comparable features with similar levels of design, development, and testing effort.

Forbearance for a solution provider, and its carrier customers, will be conditioned upon its ability to provide the above listed items as well as to meet verifiable solution development milestones. A solution provider's failure to meet these milestones will result in the loss of forbearance for the solution provider.

Carrier forbearance ends with the commercial availability of a solution. Switches, or portions of a network, of historical importance to law enforcement for which the government must reimburse the carrier will be identified by CIS. Equipment, facilities, and services installed or deployed after January 1, 1995, will be included in any forbearance until a solution is commercially available. Following solution availability, for those switches or portions of a network not identified by CIS, carriers are expected to follow their normal deployment processes in determining which switches, or portions of their networks, will be upgraded with the CALEA capabilities. Figure 1 illustrates the basic elements of forbearance.

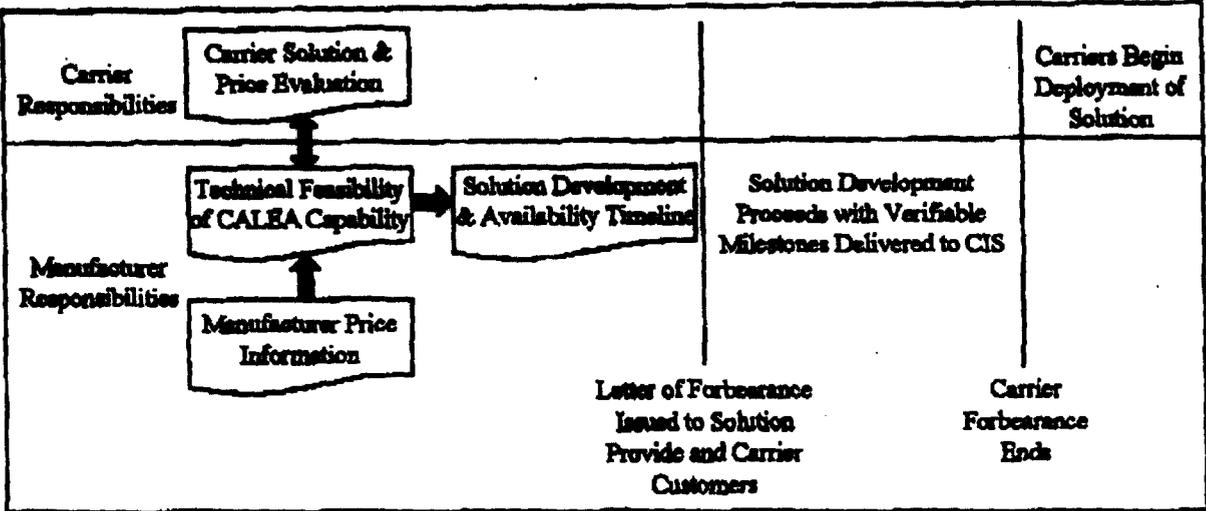


Figure 1: Forbearance

The foregoing forbearance discussion centers on two separate and distinct agreements: Agreements in Principle (AIP) between the FBI and a solution provider, and Cooperative Agreements between the FBI and a carrier.

In an AIP, the FBI and solution providers agree that solution providers have complied with the seven criteria listed above, including a feasibility analysis and pricing information for CALEA capability requirements. The feasibility analysis and pricing information will allow the government to finalize its position regarding the standard, extension of the compliance dates, forbearance, etc. The FBI, in consultation with law enforcement, will not be in a position to make critical determinations until the information described in the above seven criteria has been provided.

Currently many versions of draft AIPs are circulating, both FBI- and industry-generated, and some are more comprehensive than is presently warranted. Some of the AIPs in circulation were derived from an AIP drafted by TIA. The FBI hopes to meet with TIA during the week of February 2, 1998, to discuss the proposed AIP. The results of these discussions will then be disseminated to TIA's membership and any other interested solution provider.

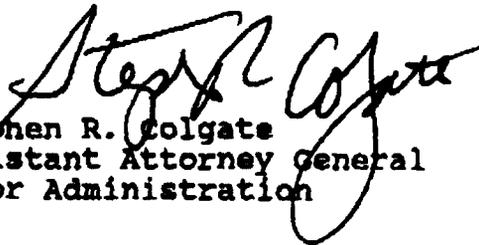
The Cooperative Agreement, on the other hand, is the contractual vehicle whereby telecommunications carriers will receive reimbursement for their eligible CALEA costs. Cooperative Agreements may be executed for different purposes at different stages of CALEA implementation. For example, an initial round of Cooperative Agreement negotiations is taking place to establish contractual vehicles whereby carriers selected to support specific solution providers with the feasibility analyses and pricing information may receive reimbursement for assisting in

this effort. Unfortunately, this initial round of negotiations has encountered some problems. One of the issues is the clarification of a carrier's role in assisting in the analysis of the solution provider's proposed solution. It appears from discussions with carriers that a mutual understanding of the intent of the government's proposed language for the Cooperative Agreements and its Statement of Work (SOW) does not yet exist. Carriers commented that the SOW included a consultative role that the carriers are unable or unwilling to perform. Although it was the government's intent to construct an SOW flexible enough to allow carriers to accommodate their normal roles in the solution provider product development process, the proposals received in response to the SOW have been too non-specific to provide real value.

The FBI still believes, and has had it confirmed by solution providers, that carriers have an essential role to play in developing the CALEA solution. The FBI will now request that each solution provider describe in detail the typical interaction it might have with one of its carrier customers during new product development. These descriptions will then be incorporated into the proposed SOWs, which the government will seek from carriers.

Your continued willingness to work with law enforcement toward the development of electronic surveillance solutions is greatly appreciated.

Sincerely,

  
Stephen R. Colgate  
Assistant Attorney General  
for Administration

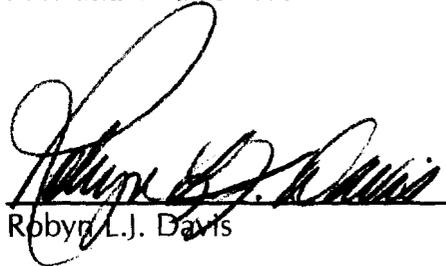
**ATTACHMENT A**

**BRIEF DESCRIPTION OF PUNCH-LIST CAPABILITIES**

<b>Number</b>	<b>Name</b>	<b>Description</b>
1	Content of subject-initiated conference calls	Capability would enable law enforcement access to content of conference calls supported by the subject's service (including the call content of parties on hold).
2	Party Hold, Join, Drop	Messages would be sent to law enforcement that identify the active parties of a call. Specifically, on a conference call, these messages would indicate whether a party is on hold, has joined or has been dropped from the conference call.
3	Access to subject-initiated dialing and signaling	Access to all dialing and signaling information available from the subject would inform law enforcement of a subject's use of features. (Examples include the use of flash-hook, and other feature keys.)
4	In-band and out-of-band signaling (Notification Message)	A message would be sent to law enforcement when a subject's service sends a tone or other network message to the subject or associate. This can include notification that a line is ringing or busy.
5	Timing to associate call data to content	Information necessary to correlate call identifying information with the call content of a communications interception.
6	Surveillance Status Message	Message that would provide the verification that an interception is still functioning on the appropriate subject.
7	Continuity Check (C-Tone)	Electronic signal that would alert law enforcement if the facility used for delivery of call content interception has failed or lost continuity.
8	Standardized delivery interface	Would limit the number of potential delivery interfaces law enforcement would need to accommodate from the industry.
9	Feature Status Message	Message would provide affirmative notification of any change in a subject's subscribed-to features.
10	Post cut-through dialing and signaling	Information would include those digits dialed by a subject after the initial call setup is completed.
11	Separated delivery	Each party to a communication would be delivered separately to law enforcement, without combining all the voices of an intercepted (conference) call.

**CERTIFICATE OF SERVICE**

I, Robyn L.J. Davis, do certify that on February 11, 1998 Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

  
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