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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
**FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

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| In the Matter of | ) | |
| | ) | |
| Communications Assistance for Law Enforcement Act | ) | CC Docket No. 97-213 |
| | ) | |
| United States Telephone Association Petition for Extension of Compliance Date Under Section 107(c) of the Communications Assistance for Law Enforcement Act | ) | |

**COMMENTS OF THE ASSOCIATION FOR**
**LOCAL TELECOMMUNICATIONS SERVICES**

Pursuant to the Public Notice released April 20, 1998 (DA 98-762), the Association for Local Telecommunications Services ("ALTS") hereby comments on the issue of extending the October 25, 1998, compliance date for the Communications Assistance for Law Enforcement Act ("CALEA").[1] In particular, ALTS supports the petitions of the vendor community (filed March 31, 1998) and USTA (filed April 24, 1998), seeking a two-year extension of the compliance date to at least October 24, 2000.[2]

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[1] ALTS is a national trade association representing over forty facilities-based providers of competitive local service providers.

[2] While the USTA petition was filed four days after the public notice, ALTS comments on it here because it raises the same basic issues as the vendor petition for an extension.

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## I. THE COMMISSION SHOULD GRANT THE TWO-YEAR EXTENSION REQUESTED BY USTA AND THE VENDORS.

USTA's request for an extension consistent with section 107(c)(3)(B) should be granted on behalf of all local exchange providers, including competitive local exchange providers. USTA's petition sets out the history behind the formulation of a technical standard for industry compliance with CALEA, as well as the FBI's opposition to any standard which does not contain the "punch list" items. The FBI and the Department of Justice have now asked the Commission to resolve this dispute (petition filed March 27, 1998).

Similarly, the Center for Democracy and Technology ("CDT") has asked the Commission to initiate a rulemaking to determine whether the interim industry standard rejected by DOJ and the FBI goes too far in enhancing location tracking capabilities and failing to preserve the privacy of packet switched communications (petition filed March 26, 1998). The Commission has requested comments on the FBI\DOJ and CDT petitions on May 20th, and replies on June 5, 1998.

The Attorney General's "final capacity notice" -- which Congress intended as the trigger for a three year implementation period -- was issued on March 12, 1998, only seven months prior to the October 24, 1998, compliance date. Thus, USTA is plainly correct that the current lack of CALEA-compliant technology merits a deferral of the current compliance date. Section 107

specifically empowers the Commission to grant an extension if compliance is not reasonably achievable. Given that standard industry practice usually requires at least two years of development between standards agreements and commercial deployment, a deferral under section 107 is appropriate and necessary.

USTA's request is underscored by the petition filed March 30, 1998, by AT&T Wireless Services, Inc., Lucent Technologies Inc. and Ericsson Inc., seeking an extension at least until October 24, 2000. As the vendors explain, development of compliant technology absent a stable, robust standard would be hugely expensive and entirely problematic.

## II. ANY EXTENSION OF THE COMPLIANCE DATE SHOULD APPLY TO ALL LOCAL EXCHANGE PROVIDERS.

USTA requests an extension of the compliance date only on behalf of its members (Petition at 1). While ALTS believes the USTA request should be granted, the extension should apply to all local exchange providers for two fundamental reasons. First, the diversity of vendors and lack of size (which inevitably influences the speed and degree of vendor support) for USTA's smaller members is equally true for non-USTA members, particularly the new entrants that belong to ALTS.

Second, it would be confusing and inefficient to arbitrarily require different compliance dates for LECs, particularly for new

entrants whose small start-up size leaves them with a minimal ability to call upon unique vendor resources.

## CONCLUSION

For the foregoing reasons, ALTS asks that the Commission grant the extensions requested by USTA and the vendor community, and make the extension applicable to all local exchange providers.

Respectfully submitted,

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May 8, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 1998, copies of the foregoing Comments of the Association for Local Telecommunications Services were served via first class mail, postage prepaid, or by hand as indicated to the parties listed below.

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