



CTIA

Cellular Telecommunications Industry Association

EX PARTE OR LATE FILED

July 23, 1998

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW Room 222
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation
CC Docket # 97-213 (CALEA)

CONFIDENTIAL

Dear Ms. Salas:

On Wednesday, July 22, 1998, the Cellular Telecommunications Industry Association ("CTIA"), represented by Michael Altschul, Vice President/General Counsel and Randall Coleman, Vice President for Regulatory Policy and Law, met with Peter Tenhula, Legal Advisor, Commissioner Powell's Office, regarding the above-referenced proceeding. The parties discussed the importance of an industry-wide extension of the October 25, 1998 CALEA compliance date, in conjunction with the attached presentation.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and its attachment are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Cleveland Lawrence III

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In the Matter of)
)
Communications Assistance for) CC Docket No. 97-213
Law Enforcement Act)
)

CTIA *Ex Parte* Presentation

The Department of Justice has opposed any industry-wide extension of the October 25, 1998, compliance date on the grounds that solutions may be available "in the near term." The Department's written *ex parte* submission makes clear that the FBI "has not evaluated these solutions" nor has the FBI's CALEA Implementation Section made any attempt to analyze their impact on CALEA implementation. See June 30, 1998, *Written Ex Parte Submission*, U.S. Department of Justice.

- There is no evidence that a CALEA compliant solution, accepted by the FBI, exists, or will exist by the October 25, 1998 compliance date.
- The FCC itself must first determine what capabilities a carrier must provide to law enforcement in order to then determine if a particular vendor's solution is compliant.
- After the FCC completes its work in this proceeding, industry standards may need to be developed, followed by the design and production of compliant products, followed by FOA and testing.
- This schedule justifies a full 24 month extension of the compliance date. Moreover, since no vendor has a compliant solution, a blanket industry-wide extension is appropriate.
- CALEA does NOT require a carrier to go outside its normal vendor to accept some third party product that may or may not fit within its network configuration. For the same reason, CALEA cannot be read to say that a carrier with a two year extension granted under Section 107(c) automatically loses that extension should some third party solution become commercially available.
- DOJ argues that should this one commercial solution become available, then all extensions must cease. Because Section 106 applies to a carrier and the manufacturers of *its* equipment, whether or not a third party vendor offers a commercial solution for CALEA compliance is irrelevant.
- There is no reason to delay an industry-wide extension because carriers will be interested in any solution that is technically sound and cost-effective whenever it becomes available.