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ADC

ADC Telecommunications, Inc.

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August 12, 1998

BY HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation in CC Docket No. 97-213:
Communications Assistance for Law Enforcement Act ("CALEA")

Dear Secretary:

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, 47 C.F.R. § 1.1206(b)(1) (1997), ADC Telecommunications, Inc. ("ADC") herein submits two copies of these ex parte comments in the above-referenced docket.

ADC is a U.S.-based global corporation which develops, manufactures and sells a wide range of products for use in the telecommunications industry. ADC specifically urges the Commission to consider carefully the terms and conditions which should apply to any extension of the October 25, 1998, CALEA compliance date, in order to ensure that carriers will continue to have strong incentives to deploy CALEA solutions as soon as these solutions become available.

ADC has worked to develop a product offering which will comply with requirements set forth in CALEA. This development project involves an out-of-switch CALEA solution comprised of a "delivery function." The delivery function is designed to be integrated with both an "access function" and a "collection function" developed by other equipment manufacturers. Access and collection function interfaces developed by ADC have been tested and proven reliable for call data. Further, these access interfaces are capable of modification for the purpose of adding features in a phased development, and have been proven adaptable to particular access and collecting architectures.

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The delivery function is dependent upon the availability of, and integration with, an adequate access function and collection function, both of which are being developed by other equipment manufacturers with which ADC is associated. Depending on the availability of these functions, ADC's delivery function is expected to be commercially deployable into networks by the end of the 1998 calendar year.

ADC's CALEA solution is very near to commercial release at this time. Accordingly, we firmly believe that carriers will have the opportunity to deploy this phased solution into networks well in advance of October 25, 2000, the date proposed by certain industry representatives as the cut-off under a blanket two-year CALEA compliance extension. In keeping with Congressional intent that CALEA be implemented rapidly enough to keep pace with technological change, The Commission should assure that carriers continue to be strongly motivated to comply with CALEA as soon as a solution compatible with their systems is made available.

ADC is aware that the Commission has been encouraged to consider a two-year CALEA extension in order to assure that compliant equipment is available to carriers. It is quite clear, therefore, based upon this reasoning, that as soon as such compliant equipment actually is available, deployment into the networks should proceed as soon as possible. This manifests the clear intent of Congress as set forth in CALEA. Any extension granted by the Commission at this time should not have the unintended consequences of either discouraging carriers from complying as quickly as possible, or permitting carriers to simply wait until expiration of the extension before deploying a solution.

We point out that ADC does not take a position on the issue of whether or not an extension should be granted by the Commission. Rather, we strongly urge that the Commission take care not to grant an extension in a way which would effectively encourage carriers to await expiration of the extension period to achieve compliance, as opposed to effecting deployment of solutions as soon as they become available. The Commission may wish to consider, for instance, making any blanket extension subject to a contingency, such that deployment be effected as soon as any compliant equipment becomes commercially available. Carriers then would be permitted a reasonable period of time to acquire and deploy the equipment. There is no need for, and there is no purpose served by, carriers simply to wait out the remainder of an extension period. In keeping with the underlying policy goals of CALEA, the Commission should extend the compliance period only for the amount of time necessary to keep carriers away from unfair jeopardy, based upon availability of complaint equipment, but no longer.

Finally, ADC would like to emphasize that there is nothing in CALEA which permits carriers to rely upon exclusive vendors for access to CALEA compliant equipment. Certain industry representatives argue that CALEA's Section 106 directs each carrier to consult with manufacturers of "its" equipment, thus permitting a carrier to put off deployment until their

usual, specific equipment vendors make their own compliant equipment available. This is a truly strained interpretation of CALEA, and directly contrary to the intent Congress that CALEA facilitate, and not encumber, rapid development and implementation of CALEA-compliant technology. The interpretation is not reasonable and should be rejected.

Very truly yours,

ADC TELECOMMUNICATIONS, INC.

David F. Fisher

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Commissioner Harold W. Furchtgott-Roth