

EX PARTE OR LATE FILED



February 11, 1999

Ex Parte

Magalie Roman Salas
Secretary
Federal Communications Commission
445 - 12th Street, SW - TW-A325
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 97-213

Dear Ms. Roman Salas:

On February 11, 1999, the undersigned, along with Don Bender (USTA), James Woody (Union Telephone Company) and Jack Holladay (Rock Hill Telephone Company), on behalf of the United States Telephone Association, met with Rodney Small, Charles Iseman, Julius Knapp and Rebecca Dorch of the FCC's Office of Engineering and Technology and Dave Ward of the FCC's Common Carrier Bureau.

The purpose of the meeting was to discuss the impacts on small telephone companies of complying with CALEA, given the FBI's overstated capacity requirements, the FBI's cost recovery regulations which put the cost burden on carriers and the cost to implement J-STD-025 standard. They noted that roughly 57 percent of counties had never received a wiretap request. Thus, the FBI's position that the punch list items must be installed in all switches cannot survive a cost benefit analysis. In fact, the FBI's punch list items will only exacerbate the problem that the small companies already face. The punch list items will add costs to customers for which the customers will not receive any benefit. It will also impact carrier business decisions by serving as a disincentive to offer services which may require CALEA compliance.

Jim Woody, representing Union Telephone Company, a Wyoming company serving 6,500 access lines located in twelve counties, explained that his company had only had one wiretap request in 32 years. Jack Holladay, representing Rock Hill Telephone Company, with approximately 46,000 customers, noted that his company had received only one wiretap request in the past ten years. They made the following points:

- Punch list items increase costs with no off-setting revenues.
- Punch list items such as post dialing digit detection and detection of network

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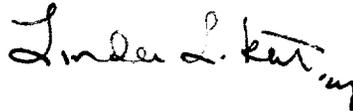
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inband signaling require dedicated hardware which cannot be used in call set-up. The hardware required will produce no benefits for customers.

- The FBI's claims that call identification information located elsewhere in a network could be readily available through relatively minor modifications in the network protocols cannot be supported.
- The FBI's punch list item regarding conference calls will have a detrimental impact on the provision of "meet me" conference services. CALEA does not require the provision of content on all legs of a call and the exponential increase in the number of channels required will significantly increase the costs for small companies.

Pursuant to Commission Rule 1.1206(b)(2), an original and one copy of this letter are being provided to you for inclusion in the public record for the above-referenced proceeding. Please contact me with any questions.

Sincerely,



Linda L. Kent
Associate General Counsel

cc: R. Small
C. Iseman
D. Ward
J. Knapp
R. Dorch