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July 29, 1999

NOTICE OF EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby, TW-A325
Washington, D.C. 20554

EX PARTE OR LATE FILED

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

Dear Ms. Salas:

Representatives of the Telecommunications Industry Association (TIA) met separately with Ari Fitzgerald of the Chairman's Office and Peter Tenhula of Commissioner Michael Powell's office on Wednesday, July 28, 1999, regarding the above-captioned proceeding.

An original and one copy of this letter, as well as TIA's presentation material, are submitted and copies have been forwarded to Mr. Fitzgerald and Mr. Tenhula, pursuant to 47 C.F.R. § 1.1206. If you have any questions about this submission, please contact the undersigned.

Sincerely,

Derek R. Khlopin

Derek R. Khlopin
Regulatory Counsel

Enclosure

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List ABCDE

cc: Ari Fitzgerald
Peter Tenhula

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Representing the telecommunications industry in association with the Electronic Industries Alliance EIA

In the Matter of Communications Assistance for Law Enforcement Act
CC Docket 97-213

1. Standardization by TR 45.2

- TIA strongly endorses the Commission's decision to remand to TR 45.2.

- TIA will make every effort (consistent with its responsibilities as an ANSI-accredited standards-setting body) to expedite the completion of a revised standard.

- However, as TIA explained in its previous filings,[1] TR 45.2 cannot complete, ballot and publish a revised standard within 180 days.

- As an ANSI-accredited organization, TR 45.2 must put the revised standard out for ballot (a minimum of 60 days) and must reconcile any comments (at least another 30 days) before submitting to ANSI for adoption. TIA has no control over these requirements.

- As TIA explained in its comments, given this lengthy ballot/review process, one year is a more realistic timetable. It might be possible for TR 45.2 to complete the drafting work within 180 days, with another 4 to 5 months for V&V, ballot, review and approval:
  Develop Stage 1 text: 2 months
  Develop call flows and Stage 2 text: 2 months
  Develop Stage 3 text: 2 months
  Verification and validation of document (prior to ballot): 1 month
  Ballot: 2 months
  Ballot review: 1 to 2 months

- This workplan is based on an ambitious schedule. The Commission should realize that the members of the ad hoc group serve on a number of other critical standards efforts (like E-911, number portability, disabilities, etc.).

- TR 45.2 has already taken several actions to prepare for this work -- obtaining project numbers and reestablishing the Ad-Hoc LAES group, chaired by Nokia and BANM.

- The ad hoc group would appreciate the Commission's guidance on whether to wait 30 days before initiating work -- to ensure that there aren't any petitions for reconsideration. Is this acceptable to the Commission? Could the Commission say so in the Order?

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[1] Comments on the FNPRM, at 7-17 (filed on Dec. 14, 1998); Reply Comments on FNPRM, at 8-11 (filed on Jan. 27, 1998).

2. Packet Data

- As the Commission is aware, the telecommunications network is increasingly transitioning to a packetized architecture. TIA appreciates the Commission's caution in avoiding hasty actions that might stifle the development of particular packet technologies.

- Most manufacturers have postponed developing CALEA solutions for packet-mode communications, waiting for the Commission's decision. (This decision to postpone development efforts is consistent with the Commission's previous guidance that manufacturers only should develop the "core" J-STD-025 -- excluding packet data -- by June 30, 2000).[2]

- Manufacturers and carriers should be given at least the same deadline for developing solutions for packet-mode communications as the Commission provides for any punch list items.

3. Compliance Deadline

- TIA supports the Commission's decision, consistent with section 107(b)(5) of CALEA, to establish a subsequent deadline for compliance with its decision.

- However, June 30, 2001 is an unrealistically short period of time for carriers to install the equipment necessary to comply with the Commission's order.

- As TIA has explained in numerous filings, manufacturers require at least 24 months to develop new products. Carriers then require additional time to install this equipment. The Commission should not expect industry to be able to comply with its order in a shorter period of time.

- The punch list items that the Commission is considering would require fairly extensive development efforts. These are not simple software solutions that a carrier can buy off of the shelf and simply load onto its switches.

- Whatever deadline the Commission adopts, it should recognize that individual carriers and/or manufacturers may need to seek additional extensions, consistent with their own unique circumstances.

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[2] Extension Order, ¶ 46 & n. 139 (rel. on Sept. 11, 1998); Further Notice, ¶ 46 (rel. on Nov. 5, 1998)

4. Post Cut-Through Digits

- As demonstrated in the OET's recent price analysis, the estimated price for developing this punch list item -- more than $120 million -- is nearly double that of any other feature requested by the FBI.[3]

- This item is particularly difficult and expensive for wireless carriers (who often do not use DTMF receivers for call set-up) to implement.

- As numerous parties have noted, extraction of dialed digits raises troubling privacy concerns. It is impossible to distinguish digits dialed for call-setup purposes from those dialed to perform other functions (e.g., a credit card number or bank account personal identification number).

- On the other hand, a rather inexpensive solution is available. If law enforcement obtains a Title III order, it can capture the post cut-through digits from the call content channel. This solution also obviates the privacy concerns of capturing post-cut through digits that are actually content.

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[3] Public Notice, *Comment South on CALEA Revenue Estimates of Five Manufacturers*, CC Docket No. 97-213, DA 99-863, at 4 (released on May 7, 1999).