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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 29, 1999

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 12th Street, SW, Room TW-A325
Washington, D.C. 20554

Re: Ex Parte Presentation
CC Docket No. 97-213

Dear Ms. Salas:

In recent ex parte presentations submitted in the above-referenced proceeding, two issues have been raised that are of great concern to the United States Telephone Association (USTA). USTA believes that the compliance date for the assistance capability requirements of the Communications Assistance for Law Enforcement Act (CALEA) should be moved to December 31, 2001 to enable manufacturers and carriers to develop and implement the technical assistance capability requirements which have yet to be adopted by the Commission. In addition, USTA continues to oppose the proposal of the Federal Bureau of Investigation/Department of Justice to require provision of post-cut-through dialed digits as part of the "punch list".

In its Further Notice of Proposed Rulemaking released November 5, 1998, the Commission stated that while it expected industry to comply with the core requirements of J-STD-025 by June 30, 2000, it would set a separate date for compliance with the "additional technical requirements that we determine CALEA mandates". Given that the Commission has not yet made its final determination regarding the additional technical requirements, a later compliance date is necessary. It will take time to develop the draft standard, complete the balloting process, and design, develop and test the hardware and software necessary to implement the additional requirements. Carriers will then require time to purchase, install and test the equipment in their networks. It would not be possible to implement the additional requirements by June 30, 2000.

The additional requirements that are adopted could impact the core requirements of the J-STD-025. The punch list features must be integrated into the software for the J-STD-025. Regression testing must be performed. USTA believes that it would be more cost effective and efficient to consolidate the compliance date to ensure that a standard that accommodates all of

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the requirements adopted by the Commission is developed and implemented. By eliminating the necessity of two separate "roll outs" of CALEA compliant equipment, the Commission will reduce the costs of implementation which must be borne either by the government or the carriers.

Consolidating the compliance date and moving the date to December 31, 2001 will also enable carriers and the FBI/DOJ time to collect the data necessary to permit prioritized implementation of CALEA. USTA believes that it would be cost efficient for CALEA-compliant equipment, which is of the highest priority to law enforcement to be deployed first and implementation of other CALEA-compliant equipment within a carrier's normal business cycle. USTA believes that such an approach will also reduce the costs associated with the implementation of CALEA.

The FBI/DOJ has requested that the digits that a subject dials after the call has been cut-through the local central office be reported by means of a message on the Call Data Channel. Law enforcement can always get dialed digits over the Call Content Channel. However, dialed digits are often not call identifying information as defined by CALEA. As USTA and the overwhelming majority of commenting parties have explained, extraction of dialed digits raises privacy concerns because digits dialed for other purposes than to make a call, such as a bank by phone system or credit card number, cannot be differentiated. In addition, the revenue estimates provided by several manufacturers indicate that this is by far the most expensive punch list item. The FBI/DOJ have failed to meet their burden that such costs are justified as required by CALEA.

It is important for the Commission to understand that dialed digits cannot be readily extracted from a wireline switch. Once the wireline carrier has completed processing a call, additional digits dialed are not call identifying information. Any such digits, if used by another network for call processing, are only available from that network. For example, when a customer dials 1-800-CALL ATT to place a credit card call, then dials the number to place the call and then enters the credit card number, the LEC only gathers the 1-800-CALL ATT digits. The LEC does not extract the subsequently dialed digits. In normal call processing, touch tone digits are detected by a Touch Tone Register that is a shared resource. The register is only associated with a call when the first dialing occurs and is then made available for use by another call. In order to provide the FBI/DOJ with further information, the shared register resource would have to monitor the call for its entire duration. This will degrade service quality by increasing the time it takes to apply dial tone to a line for all customers.

The J-STD-025 resolved the problems with this punch list item by allowing law enforcement to use the Call Content Channel to monitor the path of a call and to extract any post cut-through dialed digits. This significantly reduces the cost by eliminating the necessity to deploy additional Touch Tone Registers. It also relieves the carrier of any decision as to

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whether or not the digits are intended as call routing. USTA urges the Commission to reject the FBI/DOJ proposal for dialed digit extraction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda L. Kent". The signature is written in a cursive style with a large initial "L".

Linda L. Kent
Associate General Counsel

cc Ari Fitzgerald Tom Sugrue
 Dan Connors Julius Knapp
 Helgi Walker Geraldine Matise
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