



EX PARTE OR LATE FILED

RECEIVED
APR - 5 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

April 5, 2000

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

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

Dear Ms. Salas:

On Wednesday, April 5, 2000 the attached letters were hand delivered to the addressed parties. In accordance with the FCC's rules, an original and two copies of this letter are being filed with the Secretary's office. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Jill Canfield
Regulatory Counsel

JC:rhb
Attachments

No. of Copies rec'd 012
List ABCDE

April 5, 2000

Chairman William E. Kennard
Federal Communications Commission
445 12th Street, S.W., Room 8-B201
Washington, D.C. 20554

Re: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Chairman Kennard:

I am writing to request action on an issue that is of immediate concern to our membership, the June 30 deadline related to compliance with the Communications Assistance for Law Enforcement Act J-standard. At least one additional year is necessary for compliance to be achieved in an orderly manner.

Nearly all of NTCA's more than 500 members will be unable to comply with the Commission's rules requiring installation of J-standard capabilities no later than June 30, 2000, through no fault of their own. The widespread unavailability of the software needed to comply with this deadline warrants a blanket extension of time for these carriers. Without a blanket extension, small carriers will have to expend precious resources to obtain individual extensions. The unusual nature of the circumstances surrounding these carriers' inability to comply is a good reason for departing from the usual individual waiver requirements employed by the Commission.

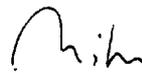
NTCA recently surveyed its members about their CALEA compliance efforts. We discovered that despite their best efforts to meet the deadline, small and rural carriers face an insurmountable impediment to their goal of compliance - - network suppliers have not yet even made the necessary software available to the industry. At least 95% of our members will be required to file formal requests for extensions of time with the Commission, unless the Commission grants a blanket extension or stay of the deadline. Attached is a summary of NTCA's survey results including a description of why a blanket extension or stay of the June 30 CALEA compliance deadline would be in the public interest.

Chairman William E. Kennard
April 5, 2000
Page Two

Since the survey was completed, we have received numerous calls from small carriers who are faced with the prospect of filing individual waiver requests. We believe that a simplified blanket waiver could be structured in a way that protects law enforcement needs at the same time that carriers are protected and spared unnecessary expenses and burdens. Accordingly, we urge the Commission to extend the June 30, 2000, CALEA compliance deadline for an additional year. This will enable carriers to plan for compliance in an orderly fashion while manufacturers begin to make CALEA-compliant software available.

Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner
Chief Executive Officer

LMG:rhb
Attachment

cc: Kathryn C. Brown, FCC

**Blanket Extension or Stay of June 30 CALEA Compliance Deadline
Would be in the Public Interest**

NTCA surveyed its members about their CALEA compliance status. We asked our members about their historical number of court ordered intercepts, the type of equipment they use and what the equipment manufacturers are telling them about the availability of CALEA-compliant equipment. 327 companies responded.

- I NTCA's CALEA survey shows that software will not be available for small carriers to comply in time despite the carriers' best efforts.
- 64% of companies have not been informed by their manufacturer when a CALEA-compliant release will be made available or have been told that it will be available after June 2000.
 - Of the carriers that were informed that a CALEA-compliant release would be available prior to the June 30, 2000 deadline, 72% of them were informed that it would not be available until within three months of the deadline.
 - Only 5% of switches are scheduled to be upgraded for CALEA prior to June 30, 2000.
 - 24% of switches are scheduled for CALEA upgrades after June 30, 2000
 - Companies have been unable to schedule CALEA upgrades for 71% of their switches.
- II The public will not be harmed as a result of a blanket extension or stay.
- 69% of companies have not had even one court-ordered intercept (wiretap, pen register, or trap and trace) in the last three years.
 - Companies are working with their manufacturers to meet the standards and are moving as quickly as possible.
 - Upgrades will be made as soon as they are available and can be scheduled.
- III Good Cause exists for a blanket extension of stay of the June 30, 2000 deadline
- A one year extension or stay is reasonable given the fact that carriers do not have access to the equipment necessary to comply.
 - A blanket extension or stay would reduce burdens for small companies and the FCC.
 - A blanket extension or stay for NTCA members is warranted in view of the limited number of historical intercepts.

The Commission should not insist on individual requests from carriers for extensions of time to comply. Overwhelming data indicates that upgrades will not be available in time for the vast majority of small carriers. Requiring individual extension petitions creates an unnecessary burden on small carriers and the FCC that is not in the public interest.



April 5, 2000

Commissioner Susan Ness
Federal Communications Commission
445 12th Street, S.W., Room 8-B115
Washington, D.C. 20554

Re: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Commissioner Ness:

I am writing to request action on an issue that is of immediate concern to our membership, the June 30 deadline related to compliance with the Communications Assistance for Law Enforcement Act J-standard. At least one additional year is necessary for compliance to be achieved in an orderly manner.

Nearly all of NTCA's more than 500 members will be unable to comply with the Commission's rules requiring installation of J-standard capabilities no later than June 30, 2000, through no fault of their own. The widespread unavailability of the software needed to comply with this deadline warrants a blanket extension of time for these carriers. Without a blanket extension, small carriers will have to expend precious resources to obtain individual extensions. The unusual nature of the circumstances surrounding these carriers' inability to comply is a good reason for departing from the usual individual waiver requirements employed by the Commission.

NTCA recently surveyed its members about their CALEA compliance efforts. We discovered that despite their best efforts to meet the deadline, small and rural carriers face an insurmountable impediment to their goal of compliance - - network suppliers have not yet even made the necessary software available to the industry. At least 95% of our members will be required to file formal requests for extensions of time with the Commission, unless the Commission grants a blanket extension or stay of the deadline. Attached is a summary of NTCA's survey results including a description of why a blanket extension or stay of the June 30 CALEA compliance deadline would be in the public interest.

Commissioner Susan Ness
April 5, 2000
Page Two

Since the survey was completed, we have received numerous calls from small carriers who are faced with the prospect of filing individual waiver requests. We believe that a simplified blanket waiver could be structured in a way that protects law enforcement needs at the same time that carriers are protected and spared unnecessary expenses and burdens. Accordingly, we urge the Commission to extend the June 30, 2000, CALEA compliance deadline for an additional year. This will enable carriers to plan for compliance in an orderly fashion while manufacturers begin to make CALEA-compliant software available.

Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner
Chief Executive Officer

LMG:rhb
Attachment

Blanket Extension or Stay of June 30 CALEA Compliance Deadline Would be in the Public Interest

NTCA surveyed its members about their CALEA compliance status. We asked our members about their historical number of court ordered intercepts, the type of equipment they use and what the equipment manufacturers are telling them about the availability of CALEA-compliant equipment. 327 companies responded.

- I NTCA's CALEA survey shows that software will not be available for small carriers to comply in time despite the carriers' best efforts.
- 64% of companies have not been informed by their manufacturer when a CALEA-compliant release will be made available or have been told that it will be available after June 2000.
 - Of the carriers that were informed that a CALEA-compliant release would be available prior to the June 30, 2000 deadline, 72% of them were informed that it would not be available until within three months of the deadline.
 - Only 5% of switches are scheduled to be upgraded for CALEA prior to June 30, 2000.
 - 24% of switches are scheduled for CALEA upgrades after June 30, 2000
 - Companies have been unable to schedule CALEA upgrades for 71% of their switches.
- II The public will not be harmed as a result of a blanket extension or stay.
- 69% of companies have not had even one court-ordered intercept (wiretap, pen register, or trap and trace) in the last three years.
 - Companies are working with their manufacturers to meet the standards and are moving as quickly as possible.
 - Upgrades will be made as soon as they are available and can be scheduled.
- III Good Cause exists for a blanket extension of stay of the June 30, 2000 deadline
- A one year extension or stay is reasonable given the fact that carriers do not have access to the equipment necessary to comply.
 - A blanket extension or stay would reduce burdens for small companies and the FCC.
 - A blanket extension or stay for NTCA members is warranted in view of the limited number of historical intercepts.

The Commission should not insist on individual requests from carriers for extensions of time to comply. Overwhelming data indicates that upgrades will not be available in time for the vast majority of small carriers. Requiring individual extension petitions creates an unnecessary burden on small carriers and the FCC that is not in the public interest.



April 5, 2000

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, D.C. 20554

Re: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Commissioner Furchtgott-Roth:

Harold

I am writing to request action on an issue that is of immediate concern to our membership, the June 30 deadline related to compliance with the Communications Assistance for Law Enforcement Act J-standard. At least one additional year is necessary for compliance to be achieved in an orderly manner.

Nearly all of NTCA's more than 500 members will be unable to comply with the Commission's rules requiring installation of J-standard capabilities no later than June 30, 2000, through no fault of their own. The widespread unavailability of the software needed to comply with this deadline warrants a blanket extension of time for these carriers. Without a blanket extension, small carriers will have to expend precious resources to obtain individual extensions. The unusual nature of the circumstances surrounding these carriers' inability to comply is a good reason for departing from the usual individual waiver requirements employed by the Commission.

NTCA recently surveyed its members about their CALEA compliance efforts. We discovered that despite their best efforts to meet the deadline, small and rural carriers face an insurmountable impediment to their goal of compliance - - network suppliers have not yet even made the necessary software available to the industry. At least 95% of our members will be required to file formal requests for extensions of time with the Commission, unless the Commission grants a blanket extension or stay of the deadline. Attached is a summary of NTCA's survey results including a description of why a blanket extension or stay of the June 30 CALEA compliance deadline would be in the public interest.

Commissioner Harold Furchtgott-Roth
April 5, 2000
Page Two

Since the survey was completed, we have received numerous calls from small carriers who are faced with the prospect of filing individual waiver requests. We believe that a simplified blanket waiver could be structured in a way that protects law enforcement needs at the same time that carriers are protected and spared unnecessary expenses and burdens. Accordingly, we urge the Commission to extend the June 30, 2000, CALEA compliance deadline for an additional year. This will enable carriers to plan for compliance in an orderly fashion while manufacturers begin to make CALEA-compliant software available.

Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner
Chief Executive Officer

LMG:rhb
Attachment

**Blanket Extension or Stay of June 30 CALEA Compliance Deadline
Would be in the Public Interest**

NTCA surveyed its members about their CALEA compliance status. We asked our members about their historical number of court ordered intercepts, the type of equipment they use and what the equipment manufacturers are telling them about the availability of CALEA-compliant equipment. 327 companies responded.

I NTCA's CALEA survey shows that software will not be available for small carriers to comply in time despite the carriers' best efforts.

- 64% of companies have not been informed by their manufacturer when a CALEA-compliant release will be made available or have been told that it will be available after June 2000.
- Of the carriers that were informed that a CALEA-compliant release would be available prior to the June 30, 2000 deadline, 72% of them were informed that it would not be available until within three months of the deadline.
- Only 5% of switches are scheduled to be upgraded for CALEA prior to June 30, 2000.
- 24% of switches are scheduled for CALEA upgrades after June 30, 2000
- Companies have been unable to schedule CALEA upgrades for 71% of their switches.

II The public will not be harmed as a result of a blanket extension or stay.

- 69% of companies have not had even one court-ordered intercept (wiretap, pen register, or trap and trace) in the last three years.
- Companies are working with their manufacturers to meet the standards and are moving as quickly as possible.
- Upgrades will be made as soon as they are available and can be scheduled.

III Good Cause exists for a blanket extension of stay of the June 30, 2000 deadline

- A one year extension or stay is reasonable given the fact that carriers do not have access to the equipment necessary to comply.
- A blanket extension or stay would reduce burdens for small companies and the FCC.
- A blanket extension or stay for NTCA members is warranted in view of the limited number of historical intercepts.

The Commission should not insist on individual requests from carriers for extensions of time to comply. Overwhelming data indicates that upgrades will not be available in time for the vast majority of small carriers. Requiring individual extension petitions creates an unnecessary burden on small carriers and the FCC that is not in the public interest.

April 5, 2000

Commissioner Michael K. Powell
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, D.C. 20554

Re: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Commissioner Powell:

I am writing to request action on an issue that is of immediate concern to our membership, the June 30 deadline related to compliance with the Communications Assistance for Law Enforcement Act J-standard. At least one additional year is necessary for compliance to be achieved in an orderly manner.

Nearly all of NTCA's more than 500 members will be unable to comply with the Commission's rules requiring installation of J-standard capabilities no later than June 30, 2000, through no fault of their own. The widespread unavailability of the software needed to comply with this deadline warrants a blanket extension of time for these carriers. Without a blanket extension, small carriers will have to expend precious resources to obtain individual extensions. The unusual nature of the circumstances surrounding these carriers' inability to comply is a good reason for departing from the usual individual waiver requirements employed by the Commission.

NTCA recently surveyed its members about their CALEA compliance efforts. We discovered that despite their best efforts to meet the deadline, small and rural carriers face an insurmountable impediment to their goal of compliance - - network suppliers have not yet even made the necessary software available to the industry. At least 95% of our members will be required to file formal requests for extensions of time with the Commission, unless the Commission grants a blanket extension or stay of the deadline. Attached is a summary of NTCA's survey results including a description of why a blanket extension or stay of the June 30 CALEA compliance deadline would be in the public interest.

Commissioner Michael K. Powell
April 5, 2000
Page Two

Since the survey was completed, we have received numerous calls from small carriers who are faced with the prospect of filing individual waiver requests. We believe that a simplified blanket waiver could be structured in a way that protects law enforcement needs at the same time that carriers are protected and spared unnecessary expenses and burdens. Accordingly, we urge the Commission to extend the June 30, 2000, CALEA compliance deadline for an additional year. This will enable carriers to plan for compliance in an orderly fashion while manufacturers begin to make CALEA-compliant software available.

Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner
Chief Executive Officer

LMG:rhb
Attachment

Blanket Extension or Stay of June 30 CALEA Compliance Deadline
Would be in the Public Interest

NTCA surveyed its members about their CALEA compliance status. We asked our members about their historical number of court ordered intercepts, the type of equipment they use and what the equipment manufacturers are telling them about the availability of CALEA-compliant equipment. 327 companies responded.

I NTCA's CALEA survey shows that software will not be available for small carriers to comply in time despite the carriers' best efforts.

- 64% of companies have not been informed by their manufacturer when a CALEA-compliant release will be made available or have been told that it will be available after June 2000.
- Of the carriers that were informed that a CALEA-compliant release would be available prior to the June 30, 2000 deadline, 72% of them were informed that it would not be available until within three months of the deadline.
- Only 5% of switches are scheduled to be upgraded for CALEA prior to June 30, 2000.
- 24% of switches are scheduled for CALEA upgrades after June 30, 2000
- Companies have been unable to schedule CALEA upgrades for 71% of their switches.

II The public will not be harmed as a result of a blanket extension or stay.

- 69% of companies have not had even one court-ordered intercept (wiretap, pen register, or trap and trace) in the last three years.
- Companies are working with their manufacturers to meet the standards and are moving as quickly as possible.
- Upgrades will be made as soon as they are available and can be scheduled.

III Good Cause exists for a blanket extension of stay of the June 30, 2000 deadline

- A one year extension or stay is reasonable given the fact that carriers do not have access to the equipment necessary to comply.
- A blanket extension or stay would reduce burdens for small companies and the FCC.
- A blanket extension or stay for NTCA members is warranted in view of the limited number of historical intercepts.

The Commission should not insist on individual requests from carriers for extensions of time to comply. Overwhelming data indicates that upgrades will not be available in time for the vast majority of small carriers. Requiring individual extension petitions creates an unnecessary burden on small carriers and the FCC that is not in the public interest.



April 5, 2000

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, D.C. 20554

Re: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Commissioner Tristani:

I am writing to request action on an issue that is of immediate concern to our membership, the June 30 deadline related to compliance with the Communications Assistance for Law Enforcement Act J-standard. At least one additional year is necessary for compliance to be achieved in an orderly manner.

Nearly all of NTCA's more than 500 members will be unable to comply with the Commission's rules requiring installation of J-standard capabilities no later than June 30, 2000, through no fault of their own. The widespread unavailability of the software needed to comply with this deadline warrants a blanket extension of time for these carriers. Without a blanket extension, small carriers will have to expend precious resources to obtain individual extensions. The unusual nature of the circumstances surrounding these carriers' inability to comply is a good reason for departing from the usual individual waiver requirements employed by the Commission.

NTCA recently surveyed its members about their CALEA compliance efforts. We discovered that despite their best efforts to meet the deadline, small and rural carriers face an insurmountable impediment to their goal of compliance - - network suppliers have not yet even made the necessary software available to the industry. At least 95% of our members will be required to file formal requests for extensions of time with the Commission, unless the Commission grants a blanket extension or stay of the deadline. Attached is a summary of NTCA's survey results including a description of why a blanket extension or stay of the June 30 CALEA compliance deadline would be in the public interest.

Commissioner Gloria Tristani
April 5, 2000
Page Two

Since the survey was completed, we have received numerous calls from small carriers who are faced with the prospect of filing individual waiver requests. We believe that a simplified blanket waiver could be structured in a way that protects law enforcement needs at the same time that carriers are protected and spared unnecessary expenses and burdens. Accordingly, we urge the Commission to extend the June 30, 2000, CALEA compliance deadline for an additional year. This will enable carriers to plan for compliance in an orderly fashion while manufacturers begin to make CALEA-compliant software available.

Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner
Chief Executive Officer

LMG:rhb
Attachment

Blanket Extension or Stay of June 30 CALEA Compliance Deadline
Would be in the Public Interest

NTCA surveyed its members about their CALEA compliance status. We asked our members about their historical number of court ordered intercepts, the type of equipment they use and what the equipment manufacturers are telling them about the availability of CALEA-compliant equipment. 327 companies responded.

- I NTCA's CALEA survey shows that software will not be available for small carriers to comply in time despite the carriers' best efforts.
- 64% of companies have not been informed by their manufacturer when a CALEA-compliant release will be made available or have been told that it will be available after June 2000.
 - Of the carriers that were informed that a CALEA-compliant release would be available prior to the June 30, 2000 deadline, 72% of them were informed that it would not be available until within three months of the deadline.
 - Only 5% of switches are scheduled to be upgraded for CALEA prior to June 30, 2000.
 - 24% of switches are scheduled for CALEA upgrades after June 30, 2000
 - Companies have been unable to schedule CALEA upgrades for 71% of their switches.
- II The public will not be harmed as a result of a blanket extension or stay.
- 69% of companies have not had even one court-ordered intercept (wiretap, pen register, or trap and trace) in the last three years.
 - Companies are working with their manufacturers to meet the standards and are moving as quickly as possible.
 - Upgrades will be made as soon as they are available and can be scheduled.
- III Good Cause exists for a blanket extension of stay of the June 30, 2000 deadline
- A one year extension or stay is reasonable given the fact that carriers do not have access to the equipment necessary to comply.
 - A blanket extension or stay would reduce burdens for small companies and the FCC.
 - A blanket extension or stay for NTCA members is warranted in view of the limited number of historical intercepts.

The Commission should not insist on individual requests from carriers for extensions of time to comply. Overwhelming data indicates that upgrades will not be available in time for the vast majority of small carriers. Requiring individual extension petitions creates an unnecessary burden on small carriers and the FCC that is not in the public interest.