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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 13, 2000

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

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

Dear Ms. Salas:

On Thursday, April 13, 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 13, 2000

Chairman William E. Kennard  
Federal Communications Commission  
445 12<sup>th</sup> 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 sent you a letter on April 5, 2000, requesting that the Commission grant a one year blanket extension or stay of the June 30, 2000, CALEA compliance deadline to members of the National Telephone Cooperative Association. In that letter I explained that rural carriers will be unable to comply with the deadline through no fault of their own. I based the extension request on a recent survey of NTCA members that indicated that CALEA compliant upgrades would not be available from the manufacturers before the deadline and that carriers would be unable to schedule the necessary upgrades. I have been made aware of new information that reinforces the need for the Commission to depart from the use of individual requests for extension of the CALEA deadline.

NTCA members that use Nortel DMS-10 systems were recently informed that the manufacturer has experienced a significant delay in the development and delivery of the upgrade with the required CALEA functionality. Attached is a letter an NTCA member received from Nortel Networks indicating that the company's new forecast for general availability of the CALEA upgrade is November 30, 2000, five months after carriers are expected to be in compliance. It will be several more months before carriers will have the opportunity to schedule their upgrades.

A one year blanket extension or stay of the June 30 CALEA compliance deadline is necessary and in the public interest. It is impossible for carriers to install the upgrades needed to comply with CALEA by June 30. Forcing carriers to file individual extension requests is a waste of both the carriers' and the Commission's resources. Each carrier

Chairman William E. Kennard  
April 13, 2000  
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will be forced to complete and file an extension request that is virtually guaranteed to be granted due to an impossibility of compliance. The Commission will receive thousands of extension requests that it must review individually.<sup>1</sup> A blanket extension or stay will reduce the burden on both the public and the Commission.

Accordingly, I urge the Commission to extend the June 30, 2000 CALEA compliance deadline for all local exchange carriers for an additional year. Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner  
Chief Executive Officer

JMC:rhb  
Attachment

cc: Kathryn C. Brown, FCC

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<sup>1</sup>The Commission may be considering an automatic grant to those that file for an extension. If this is the case, a blanket grant is much more appropriate. It will reduce the burden on carriers and eliminate unnecessary paperwork.

# NORTEL NETWORKS

April 6, 2000

Mr. Dwight Schmitt  
Wiggins Telephone Association  
P.O. Box 690  
414 Main St.  
Wiggins, CO 80854

Mr. Stuart Phillips  
5100 S.W. Macadam Ave.  
Suite 120  
Portland, Or. 97201

Dear Mr. Dwight Schmitt:

Nortel Networks has experienced a significant delay in the development and delivery of the 501 Generic for the DMS-10 System. The original intent of this generic was to provide a new processor, new operating system, expanded network infrastructure, and the first phase of CALEA as well as AMA DNS.

Unfortunately, the tasks of completing the complex development, and the exhaustive verification necessary to ensure a quality offering, are too substantial to complete by June 30, 2000, which was the planned general availability date. Our new forecast for general availability of the 501 Generic is November 30, 2000. Our forecast is based upon the additional time and effort estimated for the completion of this complex development project. If the situation warrants, Nortel Networks will advise you of any changes. The November 30 release will include the CALEA capability, however the AMA DNS capability is being deferred to the 502 Generic, planned for June 30, 2001 general availability. Nortel Networks is working hard to retain the network expansion in the 501 Generic, however, the final development plans and commitment for the network expansion will not be available until the end of April. Although I realize that it is inconvenient for you not to have the entire plan at this point, I believe it is important that you have as much information as is now available about this situation. Again, we are committed to have the 501 Generic generally available with the required CALEA functionality by November 30, 2000.

As you are probably aware, the FCC set a June 30, 2000 deadline for telecommunications carriers to comply with the CALEA capability requirements by deploying CALEA-compliant equipment. Section 107 of CALEA, however, entitles any carrier to petition the FCC for one or more extensions of the compliance deadline when compliance is "not reasonably achievable." In September 1998, the FCC applied this provision to grant all carriers an extension until June 30, 2000, based on the fact that CALEA-compliant equipment was not then available. Nortel Networks is ready to provide you with a letter or other information that you believe will assist your company in asking for a further extension of the compliance date. In addition, many carriers have been working with the FBI to agree on a flexible deployment schedule for their systems, pursuant to which CALEA-compliant equipment would be installed on a staged basis over time. That agreement would then be submitted to the FCC as part of a petition to extend the June 30 deadline. We also are ready to help you in your discussions with the FBI if you are pursuing that course, including informing the FBI of Nortel Networks' efforts to make the 501 Generic for the DMS-10 System available to you as soon as possible.

Nortel Networks remains committed to our relationship, and values your business, your trust, and your patience. My team stands ready to help yours in any way possible as we go forward with this new plan.

Please feel free to call on me at (503) 464-3322 at your earliest convenience so we can discuss this matter further.

Regards,

Mr. Stuart Phillips



April 13, 2000

Commissioner Michael K. Powell  
Federal Communications Commission  
445 12<sup>th</sup> 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:

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A one year blanket extension or stay of the June 30 CALEA compliance deadline is necessary and in the public interest. It is impossible for carriers to install the upgrades needed to comply with CALEA by June 30. Forcing carriers to file individual extension requests is a waste of both the carriers' and the Commission's resources. Each carrier

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Accordingly, I urge the Commission to extend the June 30, 2000 CALEA compliance deadline for all local exchange carriers for an additional year. Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner  
Chief Executive Officer

JMC:rhb  
Attachment

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Wiggins Telephone Association  
P.O. Box 690  
414 Main St.  
Wiggins, CO 80854

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5100 S.W. Macadam Ave.  
Suite 120  
Portland, Or. 97201

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Nortel Networks remains committed to our relationship, and values your business, your trust, and your patience. My team stands ready to help yours in any way possible as we go forward with this new plan.

Please feel free to call on me at (503) 464-3322 at your earliest convenience so we can discuss this matter further.

Regards,

Mr. Stuart Phillips



April 13, 2000

Commissioner Susan Ness  
Federal Communications Commission  
445 12<sup>th</sup> 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: *Susan*

I sent you a letter on April 5, 2000 requesting that the Commission grant a one year blanket extension or stay of the June 30, 2000 CALEA compliance deadline to members of the National Telephone Cooperative Association. In that letter I explained that rural carriers will be unable to comply with the deadline through no fault of their own. I based the extension request on a recent survey of NTCA members that indicated that CALEA compliant upgrades would not be available from the manufacturers before the deadline and that carriers would be unable to schedule the necessary upgrades. I have been made aware of new information that reinforces the need for the Commission to depart from the use of individual requests for extension of the CALEA deadline.

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# **NORTEL NETWORKS**

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Wiggins Telephone Association  
P.O. Box 690  
414 Main St.  
Wiggins, CO 80654

Mr. Stuart Phillips  
5100 S.W. Macadam Ave.  
Suite 120  
Portland, Or. 97201

Dear Mr. Dwight Schmitt:

Nortel Networks has experienced a significant delay in the development and delivery of the 501 Generic for the DMS-10 System. The original intent of this generic was to provide a new processor, new operating system, expanded network infrastructure, and the first phase of CALEA as well as AMA DNS.

Unfortunately, the tasks of completing the complex development, and the exhaustive verification necessary to ensure a quality offering, are too substantial to complete by June 30, 2000, which was the planned general availability date. Our new forecast for general availability of the 501 Generic is November 30, 2000. Our forecast is based upon the additional time and effort estimated for the completion of this complex development project. If the situation warrants, Nortel Networks will advise you of any changes. The November 30 release will include the CALEA capability, however the AMA DNS capability is being deferred to the 502 Generic, planned for June 30, 2001 general availability. Nortel Networks is working hard to retain the network expansion in the 501 Generic, however, the final development plans and commitment for the network expansion will not be available until the end of April. Although I realize that it is inconvenient for you not to have the entire plan at this point, I believe it is important that you have as much information as is now available about this situation. Again, we are committed to have the 501 Generic generally available with the required CALEA functionality by November 30, 2000.

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Commissioner Susan Ness  
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Accordingly, I urge the Commission to extend the June 30, 2000 CALEA compliance deadline for all local exchange carriers for an additional year. Your continued attention to this matter is greatly appreciated.

Sincerely,



Michael E. Brunner  
Chief Executive Officer

JMC:rhb  
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April 13, 2000

Commissioner Harold Furchtgott-Roth  
Federal Communications Commission  
445 12<sup>th</sup> 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 sent you a letter on April 5, 2000 requesting that the Commission grant a one year blanket extension or stay of the June 30, 2000 CALEA compliance deadline to members of the National Telephone Cooperative Association. In that letter I explained that rural carriers will be unable to comply with the deadline through no fault of their own. I based the extension request on a recent survey of NTCA members that indicated that CALEA compliant upgrades would not be available from the manufacturers before the deadline and that carriers would be unable to schedule the necessary upgrades. I have been made aware of new information that reinforces the need for the Commission to depart from the use of individual requests for extension of the CALEA deadline.

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# **NORTEL NETWORKS**

April 6, 2000

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Wiggins Telephone Association  
P.O. Box 690  
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Wiggins, CO 80654

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5100 S.W. Macadam Ave.  
Suite 120  
Portland, Or. 97201

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April 13, 2000

Commissioner Gloria Tristani  
Federal Communications Commission  
445 12<sup>th</sup> 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:

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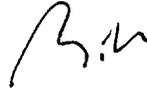
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