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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
CALEA Section 107(c) Extension Petitions:)	CC Docket No. 97-213
)	
Additional Petitions Receiving Preliminary)	NSD-L-00-234
Extensions from the Common Carrier Bureau)	
And Revised Date for All Preliminary Extensions)	
Previously Granted in DA 97-213, NSD-L-00-234)	
(released Nov. 20, 2000))	

**COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA) respectfully submits its comments in the above-referenced proceeding. USTA is the nation's oldest trade association for the local exchange carrier (LEC) industry. USTA represents more than 1,200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA's membership includes carriers subject to the requirements of the Communications Assistance for Law Enforcement Act (CALEA).

On February 22, 2001, the Commission released a Public Notice listing additional wireline carriers that have satisfied the requirements for a preliminary extension of the CALEA capability compliance deadline.¹ In addition, the Commission extended the March 31, 2001 preliminary extension deadline to June 30, 2001 for all wireline carriers, including those that previously qualified for the preliminary extension on November 20, 2000.² Accordingly, all wireline carriers listed in the Appendices to the Public Notice are deemed to have a preliminary

¹ CALEA Section 107(c) Extension Petitions: Additional Petitions Receiving Preliminary Extensions From the Common Carrier Bureau and Revised Date for All Preliminary Extensions Previously Granted in DA 97-213, NSD-L-00-234 (released Nov. 20, 2000), CC Docket No. 97-213, NSD-L-234, *Public Notice*, DA 01-489 (rel. Feb. 22, 2001) at Appendix A.

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extension of the deadline for complying with CALEA capability requirements until June 30, 2001 unless previously revoked by the Commission or superseded by a final determination on the carrier's underlying request.

Given the number of 107(c) petitions filed, USTA appreciates the efforts of the Commission staff to review these petitions and fully supports extending the preliminary extension deadline. While the Commission proposed to extend the preliminary deadline to June 30, 2001, USTA recommends extending the preliminary deadline to September 30, 2001 consistent with the preliminary deadline extension granted to wireless carriers.³ The Commission provided no explanation as to why it was extending the preliminary deadline to June 30, 2001. An extension to September 30, 2001 should provide sufficient time for the staff to carefully consider the merits of each petition and provide the staff with a greater opportunity to ensure that all wireline carrier petitions are accorded fair and equitable treatment. Carriers need certainty regarding the capability requirements and the compliance date. A preliminary extension provides temporary relief, however, much remains in doubt.

The FBI has not yet completed buy-out agreements with all manufacturers to pay for CALEA capability software. Government reimbursement for equipment installed or deployed prior to January 1, 1995 is uncertain. The Commission has not even begun any proceedings relating to the four-punchlist capabilities vacated and remanded by the Court of Appeals or to the report submitted by TIA regarding packet mode communications. The deadline for compliance with the latter is fast approaching. USTA strongly urges the Commission to suspend the September 30, 2001 compliance deadline as discussed in USTA's September 15, 2000 comments

² *Id.* at Appendix B.

³ Wireless Telecommunications Bureau Extends CALEA Section 107(c) Preliminary Determination Period for Wireless Carriers Until September 30, 2001; Seeks Comment on Additional Extension Petitions, *Public Notice*, DA 01-489 (rel. Feb. 22, 2001).

filed in this docket. Unless the Commission suspends the September 30, 2001 deadline, carriers will have to begin submitting additional 107(c) petitions for the capabilities required at that time to avoid the risk of substantial penalties.

The Commission should also allow for special treatment of petitions that may need to be altered due to circumstances that may occur while the petitions are pending. USTA urges the Commission to allow carriers the necessary flexibility to seek further modification of the compliance date if needed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on March 23, 2001, Comments of The United States Telecom Association was either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the attached service list.



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