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1200 EIGHTEENTH STREET, NW
WASHINGTON, DC 20036

TEL 202.730.1300 FAX 202.730.1301
WWW.HARRISWILTSHIRE.COM

ATTORNEYS AT LAW

August 17, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W., Counter TW-A325
Washington, D.C. 20554

RECEIVED
AUG 17 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Dear Ms. Salas:

On August 16, 2001 Christine Hemrick of Cisco Systems, Inc. and the undersigned of Harris, Wiltshire & Grannis, LLP met with Monica Desai, Legal Advisor to Commissioner Martin, to explain the importance of Commission action to clarify several open issues about how carriers and equipment manufacturers will be expected to cooperate with lawfully authorized intercept requests on packet-mode networks under CALEA and to renew Cisco's support for a reasonable extension of the September 30, 2001 implementation deadline.

During our discussion we explained that Cisco has been working with customers to prepare to implement CALEA and actively pursuing the development of packet-based intercept standards with industry groups like the International Softswitch Coalition and Cable Labs. However, we noted that absent a blanket extension of the implementation deadline or advice from the Commission, virtually every carrier that currently provides packet-based telecommunications services will be faced with the prospect of filing an individual extension request given the lack of definitional clarity about the practical meaning of call-identifying information in the packet context, the unresolved question of how and or whether the punch list items apply for packet-mode communications, and the issue of whether packet-based service providers may legally provide law enforcement agencies with the full packet stream (i.e., content of packets) of an intercept subject's communications in response to a pen register or trap and trace order.

We include with this letter copies of three slides from a PowerPoint presentation that were briefly referenced in our presentation. Please note that we also provided Ms. Desai with comments filed by Cisco in this docket on September 15, 2000 and November 16, 2000 respectively which explain the uncertainty that currently exists about how packet mode network

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Ms. Magalie Roman Salas
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operators and equipment manufacturers should resolve technical implementation questions associated with cooperating with Title III orders or pen register requests.

Pursuant to Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed. If you have any questions or require any additional information, please do not hesitate to contact me at (202) 730-1331.

Respectfully submitted,

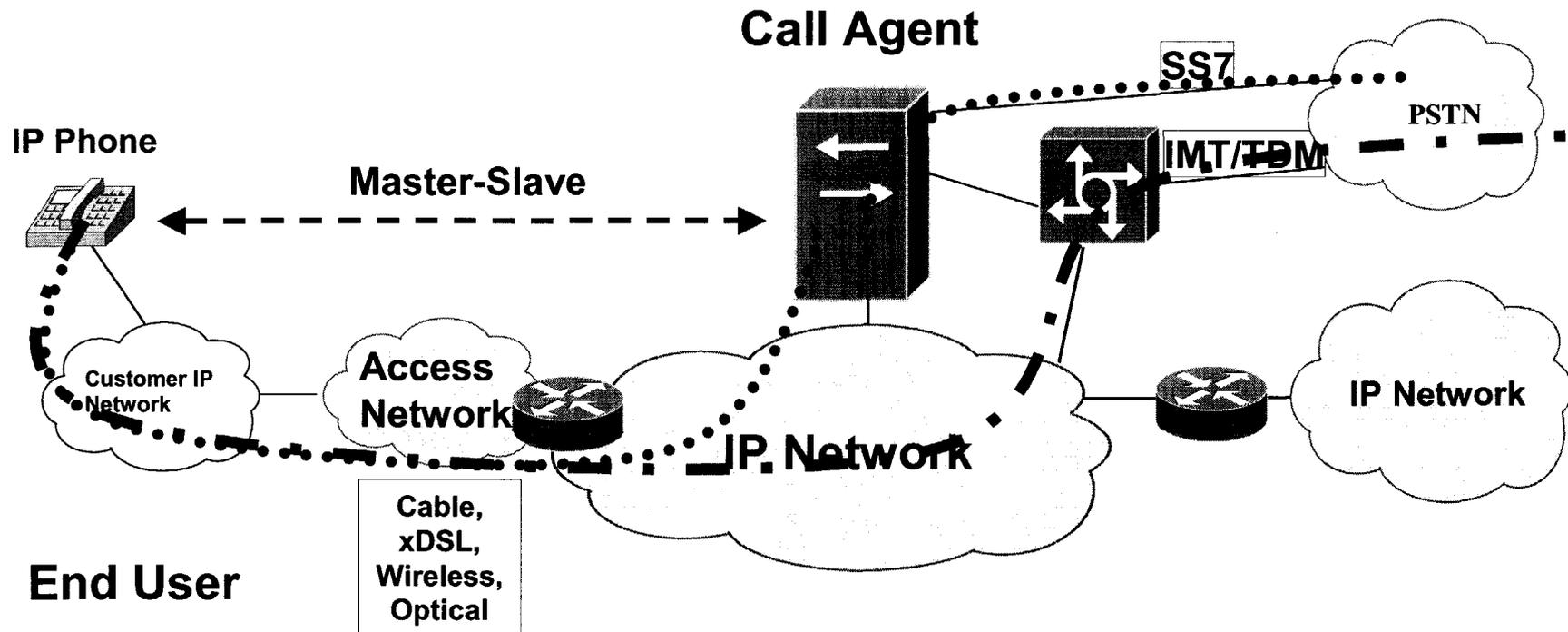


Kelly S. McGinn
Counsel to Cisco Systems, Inc.

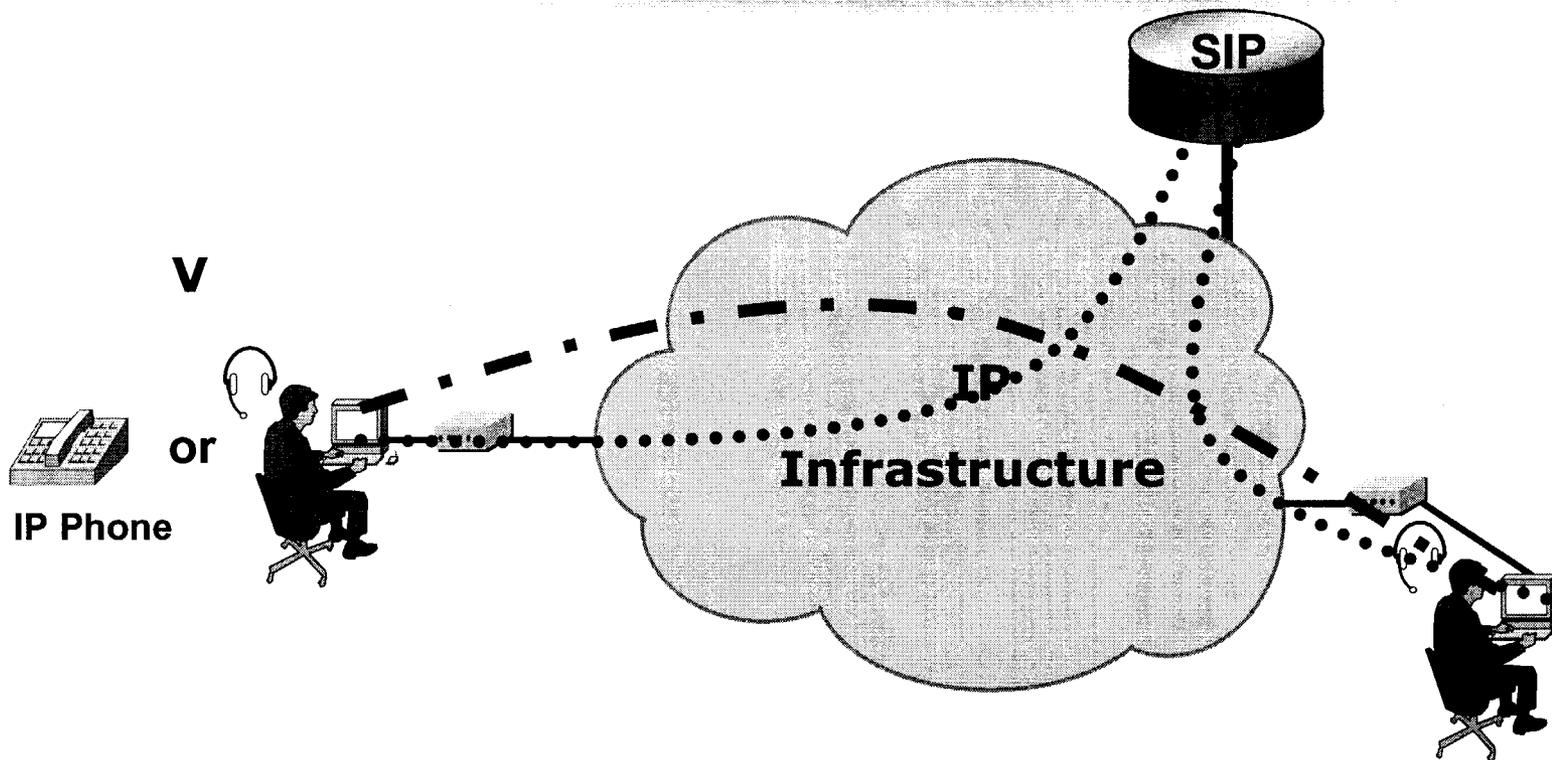
Enclosure

cc: Monica Desai

Centralized Call Model



Distributed Call Model



- Modeled like the web, not the telephone network
- Feature servers may be hosted outside the IP network, or by the IP provider
- “The network” may never know when you make a telephone call

Justification for Suspending Compliance Date

- **Based on DC Circuit opinion, the final list of requirements is unclear**
 - Which punch list items apply?**
 - What is call identifying information?**
- **No standard reflects a legal implementation based on the DC Circuit opinion**
 - Original J-STD-025 does not address “punch list”**
 - Revised J-STD-025-A reflects items remanded by the DC Court**
 - Option to provide call content in response to a pen register warrant, was ruled out by the DC Court**
- **Even if clear requirements and a safe harbor standard were available TODAY, there is insufficient time to complete a compliant implementation by the September, 2001 date.**
- **More time to develop safe harbor standards will result in better and more cost effective solution for law enforcement**