

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
The Communications Assistance)	
For Law Enforcement Act (CALEA),)	
Section 107(c) Extension of)	
Capability Requirements)	
)	
SBC Communications Inc.,)	
on behalf of:)	
)	CC Docket No. 97-213
Southwestern Bell Tel., L.P.)	
Pacific Bell Tel. Co.)	
Nevada Bell Tel. Co.)	
Southern New England Tel. Co.)	File No. NSD-L-00-234
Ameritech – Illinois)	
Ameritech – Indiana)	
Ameritech – Michigan)	
Ameritech – Ohio)	
Ameritech – Wisconsin)	
SBC Telecom, Inc.)	

**PETITION OF SBC COMMUNICATIONS INC.
ON BEHALF OF ITS WIRELINE SUBSIDIARIES FOR EXTENSION OF CALEA COMPLIANCE DATE
REGARDING PACKET-MODE COMMUNICATIONS**

Pursuant to section 107(c) of CALEA,¹ SBC Communications Inc. (SBC) petitions for an extension of the packet-mode communications compliance deadline for the above-identified wireline carriers, having TRS Nos. 805767, 801963, 804483, 804489, 803214, 803220, 803217, 803226, 803223, and 820880.² In its most recent “Public Notice” regarding pending carrier CALEA Packet-Mode 107(c) petitions, dated November 19, 2003, this Commission extended the packet-mode compliance deadline to January 30, 2004.³

¹ 47 U.S.C. §1006(c).

² These carriers with their respective TRS Numbers are: Southwestern Bell Telephone, L.P. (SWBT: TRS # 805767), Pacific Bell Telephone Company (Pacific Bell: TRS # 801963), Nevada Bell Telephone Company (Nevada Bell: TRS # 804483), Southern New England Telephone Company (SNET: TRS #804489), Ameritech-Illinois (AIL: TRS # 803214), Ameritech-Indiana (AIN: TRS # 803220), Ameritech-Michigan (AM: TRS # 803217), Ameritech-Ohio (AO: TRS# 803226), and Ameritech-Wisconsin (AW: TRS # 803223). SBC will refer to the Ameritech operating companies collectively as “Ameritech.” SBC Telecom, Inc. (SBCT: TRS # 820880).

³ *Communications Assistance for Law Enforcement Act, Public Notice*, DA 03-3722 (rel. Nov. 19, 2002).

By its petition, dated November 16, 2001, SBC requested that the Commission extend the deadline for section 103 compliance with respect to CALEA packet-mode communications. SBC has met and continues to meet all of the switch generic upgrade commitments listed in SBC's previously filed Flexible Deployment Schedule for CALEA packet-mode compliance. Today, in the context of narrow-band services, SBC's telecommunications carriers can comply with CALEA section 103 requirements with respect to packet-mode communications electronic surveillance capability mandates. In this and other contexts, SBC has worked cooperatively with the Department of Justice/Federal Bureau of Investigations (DoJ/FBI) in their efforts to conduct lawful surveillance. Other filings in this docket have chronicled SBC's efforts in this regard.⁴

In the context of broadband services, however, there remain significant technical issues to be addressed. For example, the most cost-effective and technically feasible method for allowing access by Law Enforcement Agencies (LEAs) to these services remains providing the entire packet stream, which implicates the problem with separating the call-identifying information from call content.⁵ The Commission should recognize that "the development of packet-mode electronic surveillance standards governing the separation of call-identifying information from content in a manner that fully satisfies privacy concerns for each of these technologies is still in a relatively early stage."⁶ Although industry standards are currently under consideration, reasonably achievable solutions will not soon be made available for carriers' embedded base if ever.

In addition, it is an open question at best whether certain other forms of packet-mode communications, such as Internet Protocol-based applications (*e.g.*, Voice-Over-Internet-

⁴ See for example, "Third Supplemental Petition of SBC Communications Inc. on Behalf of its Wireline Subsidiaries for Extension of CALEA Compliance Date Regarding Punch List Standards," CC Docket no. 97-213, File No. NSD-L-00-234 (filed Aug. 26, 2003).

⁵ See "Report to the Federal Communications Commission on Surveillance of Packet-Mode Technologies," Telecommunications Industry Association (Sept. 29, 2000).

⁶ *Communications Assistance for Law Enforcement Act*, CC Docket No. 97-213, Order, 16 FCC Rcd 17397 ¶ 14 (2001), citing the Telecommunications Industry Association's September 29, 2000, report entitled, "Report to the Federal Communications Commission on Surveillance of Packet-Mode Technologies."

Protocol or VoIP), fall within the ambit of a carrier's CALEA obligations. Indeed, the entire regulatory regime applicable to Internet Protocol-based communications is a matter of debate — a debate the Commission has signaled its intent to resolve in connection with certain pending and upcoming proceedings.⁷

In light of these circumstances, the most prudent course is to extend the deadline for compliance with the CALEA section 103 obligations for broadband or Internet Protocol-based, packet-mode communications for a period of not less than two years. This extension will provide the Commission sufficient time in which to decide important questions pertaining to the applicability and operation of CALEA with respect to packet-mode communications, including Internet Protocol-based communications and various broadband services and applications, and will further give carriers sufficient time to comply with the Commission's rulings.

Conclusion

For these reasons, SBC respectfully requests an extension of the deadline for complying with CALEA section 103 with respect to both broadband and Internet Protocol-based, packet-mode communications electronic surveillance capabilities through January 30, 2006.

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January 30, 2004

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⁷ Most importantly in this regard, the Commission has indicated that it will soon issue a Notice of Proposed Rulemaking to address and clarify the regulatory framework associated with VoIP and other IP-based services. See also *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02-33, 95-20, 98-10, Notice of Proposed Rulemaking, 17 FCC Rcd 3019 (2002). See also, *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities*, CC Docket Nos. 00-185, 02-52, Declaratory Ruling and Notice of Proposed Rulemaking, 17 FCC Rcd 4798 (2002), which is presently the subject of appellate review.