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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**WIRELINE COMPETITION BUREAU**



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Federal Communications Commission  
Office of the Secretary

In the Matter of )  
)  
Communications Assistance for )  
Law Enforcement Act and )  
Broadband Access and Services )

ET Docket No. 04-295

RM-10865

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE OPPOSITION TO STAY REQUEST**

The United States Department of Justice ("DOJ"), pursuant to Section 1.46(b) of the Commission's rules, hereby moves to extend the deadline for responding to the pending stay request in the above-captioned proceeding. The current deadline for the filing of an opposition is November 30, 2005. DOJ requests that the deadline be extended by two days, to and including December 2, 2005. The parties seeking the stay do not oppose this requested extension. The grounds for the request are as follows:

1. On September 23, 2005, the Commission released its *First Report and Order and Further Notice of Proposed Rulemaking* ("*First Report and Order*") in this proceeding. The *First Report and Order* establishes that CALEA applies to facilities-based broadband Internet access providers and interconnected VoIP service providers. The *First Report and Order* sets a deadline of 18 months from the effective date of the order for newly covered entities and providers of newly covered services to come into compliance with CALEA. *First Report and Order* ¶ 46.

2. On November 23, 2005, the day before Thanksgiving, various parties filed a request with the Commission to stay the *First Report and Order*. The request asks the Commission to

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stay the *First Report and Order* (1) pending the Commission's forthcoming disposition of various matters identified in the order and (2) pending review of the order by the D.C. Circuit.

3. The Commission's rules require oppositions to stay requests to be filed within 7 days after the request is filed. 47 C.F.R. § 1.45(d). Accordingly, the current deadline for the filing of an opposition to the stay request is November 30, 2005.

4. DOJ requests that this deadline be extended by two days to December 2, 2005. DOJ did not receive the stay request until late in the day on Thanksgiving Eve. Because of the Thanksgiving holiday itself, and because many of the people responsible for CALEA matters within DOJ and in other law enforcement agencies are on leave today in connection with the holiday, the current deadline of November 30 is insufficient to allow adequate time for preparation and review of the government's response. In addition, the stay request itself advances a number of different and distinct objections to the compliance deadline adopted by the *First Report and Order*, and a small amount of additional time is needed to frame a response to each of those objections. A modest extension of time will allow DOJ to prepare a response that provides meaningful assistance to the Commission in its consideration of the arguments underlying the stay request.

5. Because the requested extension is very short, it should not interfere with the Commission's ability to dispose of the stay request in a timely manner. Moreover, the requested extension will not prejudice the parties who have filed the stay request. Counsel for the requesting parties has informed DOJ that they will consent to a motion for a few additional days to respond to the request.

Accordingly, for the reasons stated above, DOJ respectfully requests that the Commission grant its motion for an extension of time until December 2, 2005, to file an opposition to the pending request to stay the *First Report and Order*.

Dated: November 25, 2005

Respectfully submitted,  
THE UNITED STATES DEPARTMENT OF JUSTICE

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