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

In the Matter of:	)	
Communications Assistance for Law Enforcement Act and Broadband Access and Services	)	ET Doc. No. 04-295
	)	RM-10865

REPLY COMMENTS OF

3COM CORPORATION

3Com Corporation, a leader in the networking, network security and Voice over Internet Protocol (*"VoIP"*) field, respectfully submits these reply comments to the Federal Communications Commission (*"FCC"* or the *"Commission"*) in connection with the comments filed in response to the Further Notice of Proposed Rulemaking (*"FNPRM"*) related to the Communications Assistance for Law Enforcement Act (*"CALEA")* as it is applies to VoIP services.

As a vendor of networking infrastructure products, 3Com endorses the goals of CALEA to support law enforcement's appropriate access to our nation's communications systems and agrees in principle with the direction of the FCC rulemaking. We believe that the success of CALEA is dependent on clarifying its scope, and proceeding deliberately in the face of rapidly evolving technology, thereby ensuring accountability and promoting compliance. Accordingly, we focus our comments on two critical recommendations: (1) that the FCC not extend the application of CALEA beyond

providers of interconnected VoIP services at this time and (2) that the FCC reaffirm the exemption of educational and research institutions from the scope of the Act.

1. CALEA OBLIGATIONS SHOULD BE LIMITED TO PROVIDERS OF INTERCONNECTED VoIP.

The Commission has requested comments on whether CALEA should extend beyond providers of "interconnected VoIP services" to other VoIP services, including additional "managed services." 3Com agrees with the comments and conclusions submitted by the Information Technology Industry Council[1] that CALEA should not be extended to other types of VoIP services. Clarity around the question of who must comply with the substantial obligations imposed by CALEA is essential to full compliance and effective enforcement. The "interconnected VoIP" definition set forth in the *Order*[2] provides the industry with substantial guidance as to the applicability of CALEA's Substantial Replacement Provision (SRP), and strikes an appropriate balance for the time being between allowing innovation in the telecommunications industry and meeting the needs of law enforcement.

The use of VoIP and other communications technology is growing rapidly and advances in these fields are occurring regularly. Each of the advances creates new permutations on the technology, and as the Commission has observed[3], make definitions such as "managed" and "unmanaged" vague and unwieldy, and quickly irrelevant to the developing technology . At present, the best location to provide CALEA compliance is

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[1] *Comments of the Information Technology Industry Council* at pages 2-6.
[2] *Communications Assistance for Law Enforcement Act and Broadband Access and Services,* First Report and Order and Notice of Proposed Rulemaking, ET Docket 04-295, FCC 05-153, at ¶39.
[3] Id. at ¶40.

the point where the call reaches the PSTN. At that point, the details concerning the call are available, and equipment can be added or modified to provide compliant access.

As the collective experience with CALEA grows and technology evolves, the Commission may appropriately explore expanding the reach of the Act, including the feasibility of monitoring traffic from data network to data network (with or without telephone numbers). But such expansion should not be undertaken lightly or without a better understanding of and consensus on its impact and effect. 3Com recommends that the FCC sponsor a technical forum to study the technical landscape and propose definitions that are clear enough to facilitate compliance but flexible enough to allow further innovation. 3Com is actively engaged in the study and development of methods and products to detect and prevent network intrusions (e.g., through the deep packet inspection capabilities of our TippingPoint product line) that we believe may assist CALEA compliance, and would welcome the opportunity to share our insights in the context of such a forum.

2. THE COMMISSION SHOULD REAFFIRM THE EXEMPTION OF EDUCATIONAL AND RESEARCH INSTITUTIONS FROM CALEA OBLIGATIONS.

3Com also agrees with the Information Technology Industry Council's request that private networks, especially schools and libraries be explicitly made exempt from CALEA[4]. Imposing the burdens of CALEA on our schools and libraries would reach far beyond the intent of the act[5] and create significant costs and inefficiencies for these institutions.

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[4] *Comments of the Information Technology Industry Council* at page 8-9.

[5] *Throughout the House Report, Congress references "public switched networks" instead of "all switched networks" House Report, 1994 U.S.C.A.N.N. at 3503.*

As the Higher Education Coalition states, each private network would be required to install additional network infrastructure equipment at significant cost[6], diverting limited funds from core educational uses. Given the present state of technology, imposing such potentially enormous burdens on educational facilities is simply not justified by any proportionately greater surveillance capabilities. CALEA's goals can instead be achieved by allowing the monitoring of VoIP calls at the PSTN interface[7] through commercial service providers. We urge the Commission to make crystal clear that CALEA does not apply to schools and libraries.

3. CONCLUSION

3Com is pleased to have the opportunity to comment on the further extension of CALEA. For the reasons explained above, we urge the Commission to maintain for now the bright line definition to providers of "interconnected VoIP," and to clarify that CALEA does not apply to private networks, particularly schools and libraries.

Respectfully Submitted,

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[6] *Comments of the Higher Education Coalition* at pages 8-11.

[7] *The House Report states "the bill recognizes, however that law enforcement will most likely intercept communication over the Internet at the same place it intercepts other electronic communications: at the carrier that provides access to the public switched network." House Report, 1994 U.S.C.A.A.N. at 3503. See also Broadband CALEA Order at ¶36, footnote 100.*