

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

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

**REPLY COMMENTS OF
University of Colorado**

Introduction and Summary

The University of Colorado respectfully submits these reply comments in response to the Further Notice of Proposed Rulemaking adopted in the above-captioned docket.¹ The University of Colorado (CU) supports the comments filed by the Higher Education Coalition and submits this reply to amplify several points based on its own experience and circumstances.

CU provides telecommunication services to our faculty, staff, and students in support of our instructional and academic research mission. These services are provided from our private networks and we do not offer services outside of the community in the capacity of a “common carrier”. Thus, we urge the Commission to clarify that entities, such as CU that provides private network services, should be exempted from the application of CALEA.

¹ *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) (“*Order*”).

In addition, CU has and will continue to be cooperative and responsive to the requirements of law enforcement in their investigative activities. CU currently employs technologies that enable us on our private networks to efficiently and cost effectively support these investigative processes. In the rare cases when CU has been contacted by law enforcement officials, the university has responded quickly to provide the information and support request. CU is committed to take reasonable measures in the future to enable the availability of requested information and in support of surveillance investigations.

CU also believes that the potential cost of applying CALEA to CU's private networks would impose significant costs that would significantly impact CU's instructional and academic research missions. We believe that CU's networks would need to be re-engineered to meet the proposed capability requirements under discussion. The cost imposed to re-engineer the networks would far outweigh the presumed benefits.

Conclusion

University of Colorado respectfully requests that the Commission clarify that private networks operated by higher education and research institutions are not subject to CALEA, or alternatively grant an exemption under Section 102(8)(C)(ii) of CALEA.

Respectfully submitted,



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December 21, 2005 (deadline extended to December 21)