

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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

**REPLY COMMENTS OF THE  
SATELLITE INDUSTRY ASSOCIATION**

Pursuant to the Federal Communications Commission’s (“FCC’s” or “Commission’s”) *First Report and Order and Further Notice of Proposed Rulemaking* (“*Order and FNPRM*”) and Public Notice in the above-referenced dockets,<sup>1/</sup> the Satellite Industry Association (“SIA”) respectfully submits these Reply Comments.

SIA is a U.S.-based trade association providing worldwide representation of leading satellite operators, service providers, manufacturers, launch services providers and ground equipment suppliers.<sup>2/</sup> Given the broad range of satellite-based communications services and the critical importance of satellite systems in the Global Information Infrastructure, SIA and its member companies share a strong interest in

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<sup>1/</sup> *In the Matter of Communications Assistance For Law Enforcement Act and Broadband Access Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, RM-10865 (rel. September 23, 2005); Public Notice, *Wireline Competition Bureau Grants Motion For Extension of Time to File Reply Comments in the Communications Assistance For Law Enforcement Act and Broadband Access Services Proceeding*, DA 05-3174 (rel. December 6, 2005).

<sup>2/</sup> SIA’s Executive Members include The Boeing Company; Globalstar LLC.; Hughes Network Systems, LLC.; ICO Global Communications; Intelsat; Iridium Satellite, LLC; Lockheed Martin Corp.; Loral Space & Communications Ltd.; Mobile Satellite Ventures; Northrop Grumman Corporation; PanAmSat Corporation; and SES Americom, Inc. SIA’s Associate Members include Eutelsat Inc.; Inmarsat Ltd.; New Skies Satellites, Inc.; Stratos Global Corporation; and The DirecTV Group.

ensuring the appropriate implementation of the Communications Assistance for Law Enforcement Act (“CALEA”).

In these Reply Comments, SIA encourages the Commission to link the 18-month compliance timeframe for implementing CALEA capabilities to the effective date of the forthcoming CALEA capabilities order rather than to the effective date of the *Order and FNPRM*, and to allow satellite service providers with unique services or system architectures to address the needs of law enforcement through individualized network security agreements, as necessary. Additional comment on CALEA implementation may be warranted after release of the Commission’s CALEA capabilities order.

**I. THE 18-MONTH COMPLIANCE PERIOD SHOULD RUN FROM THE EFFECTIVE DATE OF THE FORTHCOMING CALEA CAPABILITIES ORDER**

As both the Information Technology Industry Council<sup>3/</sup> and the United States Telecom Association<sup>4/</sup> have made clear, there is still a substantial amount of work to be done -- and a number of critical infrastructure questions to be answered -- before service providers can fully implement the Commission’s CALEA directives, which themselves remain a work in progress.<sup>5/</sup> Requiring compliance with unannounced CALEA requirements within 18 months of the effective date of the *Order and FNPRM* places service providers in a precarious position because the important details of those

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<sup>3/</sup> Comments of the Information Technology Council, ET Docket No. 04-295, RM-10865, at 6-9 (submitted November 14, 2005) (“Comments of ITI”).

<sup>4/</sup> Petition For Reconsideration and for Clarification of the *CALEA Applicability Order*, ET Docket No. 04-295, RM-10865 (submitted November 14, 2005) (“USTA Petition”).

<sup>5/</sup> In the *Order and FNPRM*, the Commission indicated that it would adopt capability requirements for broadband access and VoIP service providers “in a future order.” *Order and FNPRM* at ¶ 46.

requirements are uncertain. Moreover, the FNPRM itself seeks comment on the scope and implementation of the Order.

Service providers will not know the extent of their duties under CALEA until adopted by the Commission in the forthcoming CALEA capabilities order. Accordingly, SIA urges the Commission to link the 18-month time frame for compliance to the effective date of that order.

## **II. THE COMMISSION SHOULD CONTINUE TO ENCOURAGE THE USE OF INDIVIDUALIZED NETWORK SECURITY AGREEMENTS FOR UNIQUE SATELLITE SYSTEMS AND SERVICES**

In the *2004 NPRM*, the Commission tentatively concluded that “use of system-by-system arrangements is the appropriate method for satellite systems and will aid in meeting the goals of CALEA” because “[s]atellite networks differ in fundamental ways not only from terrestrial networks but also from each other.”<sup>6/</sup> In its comments in response to the *2004 NPRM*, SIA pointed out that these types of system-by-system agreements have indeed been reached between law enforcement authorities and Mobile Satellite Service (“MSS”) providers, but that *requiring* such agreements between law enforcement authorities and providers of broadband Internet access and other services over typical Fixed-Satellite Service (“FSS”) systems is unnecessary.<sup>7/</sup>

Certain satellite service providers with proprietary network architectures and unique services may not be readily covered by CALEA standards, available equipment,

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<sup>6/</sup> *In the Matter of Communications Assistance For Law Enforcement Act and Broadband Access Services*, Notice of Proposed Rulemaking and Declaratory Ruling, 19 FCC Rcd 15676, 15694 ¶ 86 (2004) (“*2004 NPRM*”).

<sup>7/</sup> Comments of the Satellite Industry Association, ET Docket No. 04-295, at 7-9 (submitted November 8, 2004). Because satellite broadband providers often use standard routers that are identical to those used by terrestrial packet-mode network operators, there may be no need for individualized CALEA compliance standards or network security agreements for such technology.

and traditional approaches to lawful interception.<sup>8/</sup> As a result, it may not be possible for these types of satellite service providers to comply with generic, platform-independent industry standards. In such limited circumstances, the Commission should permit, but not mandate, the use of individualized network security agreements between satellite service providers and law enforcement agencies to ensure lawful interception concerns and CALEA compliance are fully satisfied.

### III. CONCLUSION

For the reasons stated above, SIA encourages the Commission to commence the 18-month compliance time period discussed in the *Order and FNPRM* on the effective date of the forthcoming CALEA capabilities order, and to allow satellite service providers with unique services or system architectures to address the needs of law enforcement through individualized network security agreements as necessary.

Respectively submitted,

SATELLITE INDUSTRY ASSOCIATION

A handwritten signature in black ink, appearing to read "David Cavossa", written in a cursive style.

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<sup>8/</sup> For example, MSS operations do not consistently utilize standard routers and traffic handling measures.