

July 31, 2006



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in EB Docket No. 06-119
ET Docket No. 04-295

Dear Ms. Dortch:

On July 28, 2006, Harold Feld of the Media Access Project, Sascha Meinrath and Ross Musselman of the Champaign-Urbana Wireless Network (CUWN), and Rich MacKinnon of Austin Wireless met with Bruce Gottlieb, adviser to Commissioner Copps, on the above captioned matter.

The parties discussed how community wireless volunteers responded in Katrina and Rita. Sascha Meinrath, who volunteered in the region, explained that even after volunteers received FEMA and Red Cross credentials, local and federal officials on a number of occasions removed needed equipment, eliminating networks constructed by volunteers and depriving local shelters of needed internet connectivity. In addition, local and federal authorities on a number of occasions prevented volunteers from making necessary repairs, accessing their own equipment, and otherwise interfered with the ability of FEMA and Red Cross credentialed community wireless volunteers to restore and maintain internet connectivity via wireless networks operating on Part 15 "unlicensed" spectrum.

Mr. Meinrath suggested that the FCC consider some way in which local and federal officials could better coordinate with properly credentialed volunteers performing needed work.

In addition, the parties also raised concerns that CALEA liability could impact volunteer efforts to bring internet connectivity to devastated areas. In response to Katrina, volunteers created numerous wireless networks to provide needed internet connectivity for Red Cross shelters and others in areas where Katrina had destroyed or substantially degraded existing infrastructure. On completing construction of these *ad hoc* networks, volunteers turned the networks over to local operators and moved on to help others. Many of these *ad hoc* networks remained in operation for months, and may still remain in operation to this day. Volunteers who created the network do not generally maintain contact or provide any services for these networks.

The parties raised the concern that volunteers might find themselves liable for any failure to comply with CALEA, either as a consequence of creating a network during a state of emergency or as a consequence of the continued operation of that network well after volunteers had turned control of the network over to others.

Accordingly, the parties suggested that the Commission (a) establish a blanket waiver for *ad hoc* wireless networks created in response to a state of emergency; and (b) clarify that any liability that might arise for failure to comply with CALEA if the networks remain in operation after the emergency would not lie with those who created the network if those who created the network turn control of the network over to others.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

cc:
Bruce Gottlieb