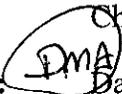




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *American Council on Education v. FCC & USA*, No. 05-1404 and *COMPTEL, et al. v. FCC & USA*, No. 05-1408. Filing of two Petitions for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: October 31, 2005

This is to advise you that, on October 24, 2005, the American Council on Education filed a Petition for Review and, on October 25, 2005, COMPTEL, the American Library Association, Association of Research Libraries, Center for Democracy & Technology, Electronic Frontier Foundation, Electronic Privacy Information Center, pulver.com, and Sun Microsystems filed a joint Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit, pursuant to 47 U.S.C. 402(a), of the following order: *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, 20 FCC Rcd 14989 (2005).

Petitioners are challenging the above-referenced Report and Order, which concluded that the Communications Assistance for Law Enforcement Act (CALEA) applies to facilities-based broadband Internet access providers and providers of interconnected voice over Internet Protocol (VoIP) service.

The Court has docketed these cases as Nos. 05-1404 and 05-1408. The attorney assigned to handle the litigation of these cases is Joseph Palmore.