

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Petition for Expedited Rulemaking to)
Establish Technical Requirements and)
Standards Pursuant to Section 107(b))
of the Communications Assistance for)
Law Enforcement Act (CALEA))
) RM – 11376

COMMENTS OF GVNW CONSULTING, INC.

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INTRODUCTION AND BACKGROUND

GVNW Consulting, Inc. (GVNW) is a management consulting firm that provides a wide variety of consulting services, including compliance with national security/public safety requirements, regulatory and advocacy support on issues such as universal service, intercarrier compensation reform, and strategic planning for communications carriers in rural America.

The purpose of these comments is to respond to the Public Notice (DA 07-2522, released June 21, 2007) in the Matter of the Petition for Expedited Rulemaking to Establish Technical Requirements and Standards pursuant to section 107(b) of the Communications Assistance for Law Enforcement Act (CALEA).

GVNW and its clients strongly support the Commission's efforts on behalf of public safety/national security and compliance with the requirements of the CALEA Act. One of the requirements of the CALEA Act is that carriers comply with Section 103 "by cost effective methods"¹. GVNW clients have made significant progress in this direction; achieving 100% compliance with the Packet Mode requirements for facilities based broadband carriers as set forth in the *FCC Second Report and Order and Memorandum Opinion and Order*, with its compliance deadline of May 14, 2007.

¹ Communications Assistance for Law Enforcement Act of 1994 at 109 (b) (1) (D)

THE MISSING PIECE OF THE CALEA PUZZLE

Unfortunately, this progress as referenced on page 3 above, and earlier compliance with Circuit Mode requirements, was not achieved in as cost effective manner as might have been achieved, or in some cases a timely manner, because vendors of network equipment used by small carriers have not made equipment to implement CALEA requirements available to small carriers on a cost effective basis, nor in some significant cases, in a timely manner.

While great emphasis has been placed in all past Commission Orders to Sections 103, 107(c) and 109 of the statute, virtually no emphasis at all has been placed on Section 106 (b) (COOPERATION OF EQUIPMENT MANUFACTURERS AND PROVIDERS OF TELECOMMUNICATIONS SUPPORT SERVICES) that states:

“(b) COOPERATION- Subject to sections 104(e), 108(a), and 109 (b) and (d), a manufacturer of telecommunications transmission or switching equipment and a provider of telecommunications support services *shall, on a reasonably timely basis and at a reasonable charge*, make available to the telecommunications carriers using its equipment, facilities, or services such features or modifications as are necessary to permit such carriers to comply with the capability requirements of section 103 and the capacity requirements identified by the Attorney General under section 104.” (Emphasis added).

Based on vendor’s past and ongoing failure to make equipment available to small carriers on a cost effective basis, we respectfully recommend that in the future the Commission must place greatly added emphasis on enforcement of this section 106 (b) of the statute if small carriers are going to achieve future compliance requirements in a timely and cost effective manner. In the absence of such action by the Commission, small carriers will be required to spend much more per customer than other carriers due to much smaller customer bases that these small carriers serve.

Respectfully submitted,

Electronically submitted through ECFS on 7/25/07

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