



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1316
Released: May 31, 2001

CALEA SECTION 107(c) EXTENSION PETITIONS:

ADDITIONAL PETITIONS FILED BY WIRELINE CARRIERS FOR PRELIMINARY EXTENSIONS FOR COMPLIANCE WITH SECTION 103 OF CALEA UNTIL JUNE 30, 2001

CC Docket No. 97-213
NSD-L-00-234

Pleading Cycle Established

Comments Due: June 11, 2001 **Reply Comments Due: June 18, 2001**

The wireline telecommunications carriers listed in Appendix A have filed petitions with the Commission seeking extensions of the deadline for complying with the capability requirements of section 103 of the Communications Assistance for Law Enforcement Act (CALEA),¹ as provided in section 107(c) of CALEA.² The Federal Communications Commission (FCC) has previously set out the procedures for staff to follow in considering such petitions³ On November 20, 2000 and February 22, 2001, the Common Carrier Bureau granted preliminary extensions of the deadline for complying with CALEA requirements, subject to the conditions set out in earlier Public Notices to numerous wireline carriers.⁴ Because of the large number of extension petitions and the amount of time necessary to consider fully the merits of each petition, the February 2001 Public Notice amended the November 2000 Public Notice by extending the deadline for CALEA compliance until June 30, 2001 to wireline carriers covered by the November 2000 Public Notice as well as to additional carriers listed in Appendix "A" to the February 2001 Public Notice.

¹ 47 U.S.C. § 1002

² 47 U.S.C. § 1006(c)

³ See CALEA Section 103 Compliance and Section 107(c) Petitions, *Public Notice*, FCC 00-154 (released April 25, 2000), as modified by *Public Notice*, DA 00-1231 (released June 5, 2000) (hereinafter CALEA Public Notices).

⁴ See *Public Notice* DA 97-213, NSD-L-00-234 (released Nov. 20, 2000) and *Public Notice* DA 01-489, NSD-L-00-234 (released February 22, 2001) (hereinafter the November 2000 and February 2001 Public Notices). The November 2000 Public Notice is available on the Internet at <http://www.fcc.gov/ccb/nsd/documents/2000PN5.html> and the February 2001 Public Notice is available at <http://www.fcc.gov/ccb/nsd/documents/2001PN1.html>.

A carrier's participation in the FBI's Flexible Deployment Program enables the FCC to satisfy its statutory obligation to consult with the FBI,⁵ and assists the FCC both in determining whether an extension is warranted and the length of any extension of the compliance deadline. Upon further review of the record, we find that the petitioners listed in Appendix A also have satisfied the requirements set out in the CALEA Public Notices for a preliminary determination that their circumstances warrant an extension of the compliance deadline. Accordingly, the wireline petitioners listed in Appendix A are deemed to have a preliminary extension of the deadline for complying with CALEA section 103 until June 30, 2001, unless earlier revoked by the Commission or superseded by a final determination on the underlying extension request, as described in paragraph 10 of the April 25, 2000, CALEA Public Notice.

Interested parties may file comments concerning this matter on or before June 8, 2001 and reply comments on or before June 13, 2001. All filings must reference **File No. NSD-L-00-234 and CC Docket 97-213**. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Al McCloud, Network Services Division, Portals II, 445 12th Street, S.W., Room 6A-320, Washington, D.C. 20554. All comments should be served on the carrier(s) filing the underlying application(s) on which comments are being filed. As noted in the April 25, 2000, CALEA Public Notice, the information provided by petitioners to substantiate their requests will not be made routinely available for public inspection. Parties seeking access to such information must request such access pursuant to 47 C.F.R. § 0.461 of the Commission's rules.

Petitions filed pursuant to CALEA section 107(c) are classified as "permit but disclose" proceedings for purposes of the Commission's ex parte rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. As a "permit but disclose" proceeding, ex parte presentations will be governed by the procedures set forth in section 1.1206 of the Commission's rules applicable to non-restricted proceedings, 47 C.F.R. § 1.1206. Parties making oral ex parte presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.

For further information regarding these petitions, please contact Gayle Radley Teicher of the Common Carrier Bureau, Network Services Division at 202-418-1515, gteicher@fcc.gov.

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⁵ 47 U.S.C. § 1006(c)(2).