

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	CC Docket No. 97-213
The Communications Assistance For)	NSD-L-00-234
Law Enforcement Act (CALEA),)	
Section 107(c) Extension of Capability)	
Requirements)	

ORDER

Adopted: August 14, 2001

Released: August 15, 2001

By the Common Carrier Bureau:

1. The wireline telecommunications carriers listed in the attached Appendix are among more than one thousand carriers that have filed petitions with the Federal Communications Commission (Commission or FCC) 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 In discharging the Commission's statutory obligation to consult with the Attorney General,³ we have consulted fully with the Federal Bureau of Investigation (FBI) with regard to each petition. As explained below, we find that compliance with the assistance capability requirements under section 103 is not reasonably achievable by the telecommunications carriers listed in the attached Appendix through application of technology available within the compliance period. Accordingly, pursuant to our authority under section 107(c) of CALEA, we grant the petitions for extension listed in the attached Appendix to the extent described herein.

2. CALEA, enacted on October 25, 1994, was intended to preserve the ability of law enforcement officials to conduct electronic surveillance effectively and efficiently in the face of rapid advances in telecommunications technology. To achieve this goal, section 103 of CALEA sets forth four general assistance capability requirements with which carriers must comply.⁴ Pursuant to section 107(c)(1) of CALEA, telecommunications carriers may petition the

¹ 47 U.S.C. § 1002.

² *Id.* § 1006(c). Pursuant to section 107(c)(1) of CALEA, telecommunications carriers may seek extensions of the deadline for complying with the capability requirements of section 103.

³ *Id.* § 1006(c)(2).

⁴ *Id.* § 1002(a).

Commission for an extension of the compliance deadline.⁵ Before taking final action in granting a carrier's petition for extension pursuant to section 107(c), the Commission must consult with the Attorney General.⁶ An extension may be granted if the Commission determines that "compliance with the assistance capability requirements under section 103 is not reasonably achievable through application of technology available within the compliance period."⁷ In granting the petition, the Commission can extend the compliance deadline no longer than two years from the date of grant.⁸

3. The Commission previously has set forth procedures for the operating Bureaus to follow in considering section 107(c) petitions for extension.⁹ The Commission required that all section 107(c) petitions must contain certain basic information, including the identity of the carrier's switching equipment (by manufacturer; type, make and model; software version or generic currently operating; Common Language Location Identification (CLLI) Code and geographic areas served; and the date or dates that the equipment will become compliant with section 103, to the extent such information is available to the carrier) and a brief statement or showing as to why the extension is necessary.¹⁰ In Public Notices dated November 20, 2000, February 22, 2001, May 31, 2001, and June 22, 2001, the Common Carrier Bureau (Bureau) found that more than one thousand wireline petitioners had satisfied the requirements set forth in the April 2000 Public Notice for a preliminary determination that their circumstances warranted an extension of the deadline for complying with CALEA section 103 until September 30, 2001, unless earlier revoked by the Commission or superseded by a final determination on the underlying extension request.¹¹ In this Order, we take final action regarding the section 107(c) petitions filed by the carriers listed in the attached Appendix.

4. In January 2000, the FBI established a Flexible Deployment Program to assist telecommunications carriers in meeting certain requirements of CALEA. In its Flexible Deployment Assistance Guide, the FBI requested that carriers voluntarily submit to it certain information and explained under what circumstances, based on a review of that information, the FBI might support a carrier's petition for extension filed with the FCC. As the Commission has previously indicated, under certain circumstances, a carrier's participation in the FBI's Flexible Deployment Program enables the FCC to satisfy its statutory obligation to consult with the

⁵ *Id.* § 1006(c)(1).

⁶ *Id.* § 1006(c)(2).

⁷ *Id.*

⁸ *Id.* § 1006(c)(3).

⁹ See CALEA Section 103 Compliance and Section 107(c) Petitions, *Public Notice* 15 FCC Rcd 7482 (2000), as modified by *Public Notice* 15 FCC Rcd 9518 (2000)(hereinafter the April 2000 and June 2000 Public Notices), available at <http://www.fcc.gov/ccb/nsd/documents/CALEA2001.HTML>.

¹⁰ April 2000 Public Notice.

¹¹ See *Public Notice* 15 FCC Rcd 22308 (2000); *Public Notice* 16 FCC Rcd 4649 (2001); *Public Notice* DA 01-1316 (rel. May 31, 2001); and *Public Notice* DA 01-1494 (rel. June 22, 2001)(hereinafter the November 2000, February 2001, May 2001, and June 2001 Public Notices), available at <http://www.fcc.gov/ccb/nsd/documents/CALEA2001.HTML>.

Attorney General, and assists the FCC both in determining whether an extension of the compliance deadline is warranted and the length of any extension.¹² Under the Program's procedures, the FBI independently reviews each carrier's extension request in light of the CALEA priorities of law enforcement agencies, among other things. If, after reviewing the information submitted, the carrier and the FBI are able to arrive at a mutually agreeable CALEA deployment schedule, the FBI issues a letter (FBI support letter) stating whether the FBI supports an extension request and, if so, the length of such extension. Each carrier listed in the attached Appendix participated in the FBI's Flexible Deployment Program and received a letter of support from the FBI.

5. After reviewing the record of each petition and consulting fully with the FBI, we determine that compliance with the assistance capability requirements under section 103 is not reasonably achievable through application of technology available within the compliance period for the petitioners listed in the attached Appendix. Accordingly we find that these petitioners have satisfied the statutory requirements for an extension of the CALEA compliance deadline. We therefore grant the wireline petitioners listed in the attached Appendix extensions of the deadline for complying with CALEA section 103 until the dates agreed to by the FBI, as set forth in each carrier's individual FBI support letter. If a carrier has questions regarding the exact date(s) of its individual extension grant, it should contact the FBI's Flexible Deployment Program Manager, CALEA Implementation Section at (800) 551-0336 or (703) 814-4700. As the Bureau continues to consult with the FBI, the Bureau will release further orders resolving the remaining petitions filed by wireline carriers requesting extensions.

6. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 107(c) of the Communications Assistance for Law Enforcement Act, 47 U.S.C. § 1006(c), the carriers listed in the Appendix attached to this Order are HEREBY GRANTED AN EXTENSION of the compliance date of the assistance capability requirements of section 103 of CALEA, 47 U.S.C. §1002(a)(1)-(4), until the dates agreed to by the FBI as set forth in each carrier's individual FBI support letter.

FEDERAL COMMUNICATIONS COMMISSION

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¹² 47 U.S.C. § 1006(c)(2); See April 2000 Public Notice.