



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2512
December 14, 2006
OMB Control Number 3060-0809

OMB APPROVES CALEA-MANDATED SYSTEM SECURITY FILING REQUIREMENT FOR PROVIDERS OF FACILITIES-BASED BROADBAND INTERNET ACCESS AND INTERCONNECTED VoIP SERVICE

ET DOCKET NO. 04-295

Section 105 of the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. § 1004, and section 229(b) of the Communications Act, 47 U.S.C. § 229(b), require all telecommunications carriers subject to CALEA to file system security and integrity (SSI) plans with the Federal Communications Commission (the Commission).¹ On May 12, 2006, the Commission released the *Second Report and Order and Memorandum Opinion and Order* in ET Docket No. 04-295 (*CALEA Second Report and Order*),² which, *inter alia*, declared that facilities-based broadband Internet access providers and interconnected VoIP service providers must comply with this requirement, subject to approval from the Office of Management and Budget (OMB).³ OMB granted its approval on December 12, 2006.⁴

Compliance. Pursuant to section 1.20005 of the Commission's rules, 47 C.F.R. § 1.20005, facilities-based broadband Internet access and interconnected VoIP service providers subject to CALEA must file their SSI plans with the Commission by **March 12, 2007**. All providers subject to CALEA are reminded that they are required to promptly inform the Commission of any changes to filed SSI plans.⁵

Filing Procedure. Facilities-based broadband Internet access service providers and interconnected VoIP service providers filing SSI plans pursuant to this Public Notice must reference ET Docket No. 04-295.

- Parties must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

¹ The rules governing the filing of these plans are set out at 47 C.F.R. §§ 1.20003-1.20005.

² Communications Assistance for Law Enforcement Act and Broadband Access and Services, ET Docket No. 04-295, *Second Report and Order and Memorandum Opinion and Order*, 21 FCC Rcd 5360 (2006).

³ See 71 Fed. Reg. 61,722 (October 13, 2006).

⁴ The Commission also will announce this approval by notification in the Federal Register.

⁵ See 47 C.F.R. § 1.2005(a).

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.
- The Commission recognized in its *Report and Order* in CC Docket No. 97-213 that SSI plans are sensitive in nature.⁶ Parties who believe their SSI plan should be withheld from public inspection may request confidential treatment pursuant to Section 0.459 of the Commission's rules. They should not file this information electronically.⁷ Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request.⁸ We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, we note that the Commission has the discretion to release information on public interest grounds that does fall within the scope of a FOIA exemption.

Parties also should send a copy of their filings to:

- David Ward, Senior Legal Advisor, Policy Division, Public Safety and Homeland Security Bureau, 445 12th Street, SW, Washington, DC 20554.

Non-confidential documents in ET Docket No. 04-295 may be obtained from Best Copy and Printing, Inc., in person at 445 12th St., S.W., Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. Non-classified documents also will be available for public inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th St. S.W., Washington, DC 20554, and through the Commission's Electronic Filing System (ECFS) accessible on the Commission's Web site, <http://www.fcc.gov/cgb/ecfs>.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

⁶ Communications Assistance for Law Enforcement Act, CC Docket No. 97-213, *Report and Order*, 14 FCC Rcd 4151, 4177 ¶ 57 (1999).

⁷ See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, *Report and Order*, 13 FCC Rcd 24816 (1998), *Order on Reconsideration*, 14 FCC Rcd 20128 (1999).

⁸ See 47 C.F.R. § 0.461; 5 U.S.C. § 552.

For further information regarding this proceeding, contact Thomas J. Beers, Associate Chief, Policy Division, Public Safety and Homeland Security Bureau, (202) 418-0952.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

As required by the Paperwork Reduction act of 1995 (44 U.S.C. § 3507), the FCC is notifying the public that it received OMB approval on December 12, 2006, for the collections of information described in this Public Notice. Public reporting burden for this collection of information is estimated to range from 1 hour to 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-0809), or via the Internet to PRA@fcc.gov. DO NOT SEND COMPLETED APPLICATION FORMS TO THIS ADDRESS.

Under 5 CFR § 1320, an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB Control Number. This collection has been assigned OMB Control Number 3060-0809.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

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