



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
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DA 06-2513
December 14, 2006
OMB Control Number 3060-0809

OMB APPROVES CALEA COMPLIANCE MONITORING REPORT FOR PROVIDERS OF FACILITIES-BASED BROADBAND INTERNET ACCESS AND INTERCONNECTED VoIP SERVICE; REPORTS ARE DUE FEBRUARY 12, 2007

ET DOCKET NO. 04-295

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*).¹ The *CALEA Second Report and Order*, *inter alia*, requires every facilities-based broadband Internet access service and interconnected VoIP service providers to file a Monitoring Report describing the status of compliance with requirements imposed by section 103 of the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. § 1004.² The *CALEA Second Report and Order* noted that the effective date for the new Monitoring Report information collection requirement was subject to Office of Management and Budget (OMB) approval,³ which was granted on December 12, 2006.⁴

Compliance. In order to comply with the requirements established in the *CALEA Second Report and Order*, all providers of facilities-based broadband Internet access services and interconnected VoIP services must file FCC Form 445, "CALEA Monitoring Report for Broadband and VoIP Services," no later than **February 12, 2007**.⁵ Form 445 is attached to this Public Notice and can also be found on the Commission's web site at <http://www.fcc.gov/formpage.html>.

- Parties must file an original and two copies of FCC Form 445. 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 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).

² *Id.* at 5387-88 ¶ 59; *see also* Communications Assistance for Law Enforcement Act and Broadband Access and Services, ET Docket No. 04-295, *First Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 14989, 15001-12 ¶¶ 24-40 (2005) (extending CALEA obligations to providers of facilities-based broadband Internet access services and interconnected VoIP services).

³ *CALEA Second Report and Order*, 21 FCC Rcd at 5388 ¶ 60.

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

⁵ *See CALEA Second Report and Order*, 21 FCC Rcd at 5387 ¶ 59.

All filings must be addressed to the Secretary, Federal Communications Commission, Attention: CALEA Monitoring Report.

- 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 D.C. 20554.
- CALEA compliance Monitoring Reports which are properly filed and marked as instructed herein will be treated as presumptively confidential pursuant to section 0.457(g) of the Commission's rules, 47 C.F.R. § 0.457(g), and will not be made available routinely for public inspection.⁶ Parties should clearly mark each filed copy "Confidential – Not for Public Inspection" and file it under seal. Any correspondence related to CALEA compliance Monitoring Reports should reference ET Docket No. 04-295 and should also be marked "Confidential – Not for Public Inspection."

Parties also should send one copy of their filings to:

- The Federal Bureau of Investigation, CALEA Implementation Unit, 14800 Conference Center Drive, Suite 300, Chantilly, VA 20151-0450;
- 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).

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

⁶ *Id.* at 5388 ¶ 60.

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-PERF, 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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