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Federal Communications Commission
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FCC DENIES BLANKET EXTENSION FOR PACKET-MODE COMMUNICATIONS, TEMPORARILY SUSPENDS CALEA "PUNCH LIST" DEADLINE

Washington, DC - The Federal Communications Commission adopted an *Order* in the Communications Assistance for Law Enforcement Act of 1994 ("CALEA") proceeding that denies in part and grants in part the relief requested by the Cellular Telecommunications & Internet Association ("CTIA"). The *Order* denies CTIA's request for a blanket extension of the September 30, 2001 compliance deadline for all wireline, cellular, and broadband Personal Communications Services ("PCS") carriers to implement a packet-mode communications electronic surveillance capability mandated by the August 1999 *Third Report and Order* ("*Third R&O*") in this proceeding. However, given the imminence of the packet-mode compliance deadline, the FCC grants these carriers until November 19, 2001 to either come into compliance or seek individual relief. The *Order* also temporarily suspends the September 30, 2001 compliance date for these carriers to implement two Department of Justice /Federal Bureau of Investigation "punch list" electronic surveillance capabilities mandated by the *Third R&O* in this proceeding.

The FCC stated it found no need to extend the September 30, 2001 compliance deadline for packet-mode communications in the blanket manner requested by CTIA. The FCC found that implementation of this capability is unrelated to the implementation of the punch list capabilities, and that only a small percentage of telecommunications carriers use packet-mode technology. Nonetheless, the FCC decided, due to the imminence of the September 30, 2001 deadline, to give carriers a brief period of time to upgrade their systems to incorporate the packet-mode capability or to avail themselves of established petition procedures under section 107 of CALEA for individual relief. The Common Carrier and Wireless Telecommunications Bureaus will soon release a public notice explaining the petition procedures.

The FCC noted that the United States Court of Appeals for the D.C. Circuit ("Court") vacated and remanded those portions of the *Third R&O* pertaining to four challenged punch list items, and stated that there is broad agreement among industry and law enforcement to suspend the September 30, 2001 compliance deadline for two unchallenged punch list capabilities, pending final action by the FCC on what punch list capabilities will be required. The FCC stated that it agrees with the majority of commenters that retaining the current deadline for two of the punch list capabilities prior to determining the disposition of the four punch list capabilities vacated by the Court could result in major inefficiencies for carriers. The FCC intends to establish a new compliance date for all required punch list capabilities that will allow all carriers to be fully CALEA-compliant no later than June 30, 2002.

Action by the Commission September 18, 2001, by *Order* (FCC 01-265). Chairman Powell, Commissioners Abernathy, Copps and Martin, with Commissioner Copps issuing a separate statement.

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