

# *FCC Releases Public Notices to Further Implement CALEA*

## EXECUTIVE SUMMARY

The Federal Communications Commission (“FCC” or “Commission”) recently released three Public Notices further implementing the Communications Assistance for Law Enforcement Act (“CALEA”) by requiring three filings in the next three months:

- **System Security and Integrity (SSI) Plans.** By March 12, 2007, facilities-based broadband Internet access providers and interconnected VoIP service providers must file SSI Plans with the FCC. (All other telecommunications carriers subject to CALEA must already have filed SSI plans.)
- **Compliance Monitoring Report.** By February 12, 2007, every facilities-based broadband Internet access service and interconnected VoIP service provider must file a Monitoring Report (FCC Form 445) describing the status of compliance with CALEA.
- **Extension Petitions.** By February 12, 2007, carriers with a pending petition for extension of time to implement CALEA solutions must, if able, supplement the record and file a letter that attests that its petition exclusively concerns equipment, facilities, or services installed or deployed prior to October 25, 1998 (an “attesting letter”).

## SYSTEM SECURITY AND INTEGRITY (SSI) PLANS

When implementing CALEA, the Commission adopted rules that provide guidance to carriers on policies and procedures for employee supervision and control, as well as maintaining secure and accurate records, when responding to an appropriate legal authorization for electronic surveillance. Each carrier – including facilities-based broadband Internet access providers and interconnected VoIP service providers – is required to file with the Commission the current policies and procedures it uses to comply with this requirement. The SSI plans are subject to Commission review and enforcement.

The SSI plans of facilities-based broadband Internet access providers and interconnected VoIP service providers must be filed by March 12, 2007. All other telecommunications carriers subject to CALEA must already have filed SSI plans. If a provider has filed an SSI plan already, then it need not file a second plan because it also provides facilities-based broadband Internet access service or interconnected VoIP service.

## COMPLIANCE MONITORING REPORT

In its May 2006 CALEA order, the Commission required all facilities-based broadband Internet access and interconnected VoIP service providers to file a “CALEA Monitoring Report for

Broadband and VoIP Services” (FCC Form 445) describing the status of compliance with CALEA. The specific FCC Form carriers must utilize has now been released by the Commission. By February 12, 2007, every facilities-based broadband Internet access service and interconnected VoIP service provider must file a Monitoring Report using this form.

#### EXTENSION PETITIONS

CALEA gives the Commission the ability to grant extensions of the deadline for complying with the CALEA capability requirements, upon petition by a requesting provider to the FCC. As part of its May 2006 CALEA order, the Commission found that extensions may not be used for equipment, facilities, or services that were deployed on or after October 25, 1998. Thus, by February 12, 2007, every carrier with a pending petition for extension of time to implement CALEA solutions must file a letter that attests, if it is able, that its petition exclusively concerns equipment, facilities, or services installed or deployed prior to October 25, 1998. After the February deadline, the Commission will dismiss all pending extension petitions that include facilities deployed after October 25, 1998, or for which an attestation was not received.

#### FOR MORE INFORMATION

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