



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

January 28., 2004

Mr. John Rogovan, General Counsel  
Office of the General Counsel  
Federal Communications Commission  
Washington, D.C. 20554

RE: Petition for Rulemaking to Implement  
CALEA (CC Docket No. 97-213; CC Docket  
Nos. 02-33, 95-20, 98-10; CS Docket No.  
02-52; WC Docket Nos. 02-361, 03-45, 03-  
211, 03-251, 03-266)

Dear Mr. Rogovan

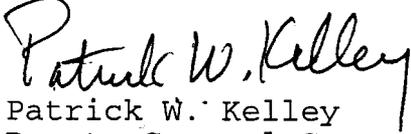
Pursuant to your request, made during a conference call on Friday, January 23, 2004, this letter confirms that the Department of Justice (DOJ), Federal Bureau of Investigation (FBI), and Drug Enforcement Administration (DEA) will jointly file a petition before the FCC seeking comprehensive rules to implement the Communications Assistance for Law Enforcement Act of 1994 (CALEA). The petition, which we intend to file within the next several weeks, will address a variety of issues including what broadband services and service providers should be subject to CALEA, as well as the procedures needed to bring those services and providers into compliance with CALEA.

In confirming our intention to file a petition for CALEA rule making we also hereby reiterate the position previously taken before the FCC, that it is necessary to address CALEA issues in a comprehensive, technology neutral, manner rather than in a piecemeal fashion, one service provider or technology at a time. Accordingly, we are requesting that the CALEA rule making be completed prior to the other related but non-CALEA specific broadband proceedings pending before the FCC. Otherwise, the outcome of the non-CALEA broadband proceedings could serve to prejudice the outcome of the CALEA rule making proceeding. We believe that it is particularly important for the FCC to directly and thoughtfully consider, by means of a comprehensive CALEA rule making, the multiple regulatory theories that may be employed to subject broadband providers to CALEA.

It is our understanding that the FCC supports and is anxious to open a comprehensive CALEA rule making as soon as

possible. This gesture of commitment, as reflected in your remarks during the aforesaid conference call, is appreciated and we look forward to working with the FCC on this matter of paramount importance to the law enforcement and national security interests of the United States

Sincerely,

  
Patrick W. Kelley  
Deputy General Counsel