



U.S. Department of Justice

Federal Bureau of Investigation
CALEA Implementation Unit
Electronic Surveillance Technologies Section
FBI Quantico, Engineering Research Facility (ERF)
Pod C, Room 300
Building 27958A
Quantico, VA 22135

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Mr. E. Van Cullens
Chairman, TIA Board of Directors
Westell Technologies, Inc
750 N. Commons Drive
Aurora, IL 60504
prakash.chitre@viasat.com
Mr. David Cavossa
Executive Director, Satellite Industry Association (SIA)
1730 M Street NW Suite 600
Washington, DC 20036
dcavossa@sia.org

Dear Mr. Van Cullens and Mr. Cavossa:

In July 2002, the Federal Bureau of Investigation, (FBI), requested that TIA TR-34 commence work on developing a standard for lawfully authorized electronic surveillance. TIA TR-34 responded to the FBI's request in November 2003 and declined to develop such a standard. The FBI now renews its request for TIA TR-34 to initiate a project to develop and adopt lawfully authorized electronic surveillance standards for satellite-based VoIP and broadband access services. The expansion of satellite providers from simple telephony into VoIP and broadband access services is the impetus behind the FBI's request that TIA TR-34 revisit its previous decision.

As you know, the Communications Assistance for Law Enforcement Act (CALEA) requires telecommunications carriers to implement technology to ensure that they have the capability to assist law enforcement in executing lawfully authorized electronic surveillance. The Federal Communications Commission, (FCC), recently removed ambiguity in the application of CALEA to various services in its CALEA First Report and Order dated August 5, 2005. In its Order, the FCC determined that CALEA applied to certain types of VoIP and broadband access services, including those provided by satellite.¹ Furthermore, the FCC set a

¹ In the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services, ET Docket No. 04-295, RM-10865, *First Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd. 14989 (2005). The FCC's decision was recently affirmed by the United States Court of Appeals for the District of Columbia Circuit. *American Council on Education v. FCC*, 451 F.3d 226 (D.C. Cir. 2006), *reh'g en b'nc denied*, Sept. 7, 2006.

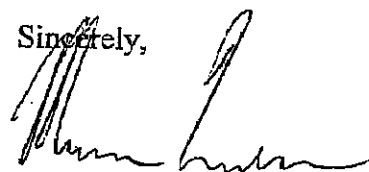
compliance deadline of May 14, 2007, for interconnected VoIP and facilities-based broadband access providers to meet CALEA's capability requirements.

Although there are currently no defined CALEA standards for lawfully authorized electronic surveillance for satellite communications, the development and adoption of such standards would be a major step towards achieving full compliance with the statute for satellite telecommunications carriers and equipment manufacturers. In addition, establishing a standard lawful intercept solution would likely reduce the costs associated with developing and implementing CALEA's assistance capability requirements and result in interoperable solutions. Finally, an industry standard that meets CALEA's requirements would provide a "safe harbor" from enforcement actions to carriers who implement that standard.

To advance this effort, the FBI's CALEA Implementation Unit is willing to devote engineering resources and work closely with the appropriate technical groups within TR-34 to develop applicable standards. The FBI's goal is to work closely with TR-34 members to ensure that standards meet law enforcement's needs, while simultaneously address the concerns of both satellite carriers and equipment manufacturers. Given that the CALEA compliance deadline imposed by the FCC is May 14, 2007, it is imperative that the standards work be initiated expeditiously. We encourage you to share this letter with your membership to make them aware of the FBI's request and the FCC deadline for compliance.

Thank you for your attention to this important matter. The FBI looks forward to working closely with TR-34 and the satellite industry. I look forward to hearing from you in the near future to discuss appropriate next steps in this significant national security and public safety endeavor.

Sincerely,



Maura Quinn
Unit Chief
CALEA Implementation Unit

CC: Mr. Rob Pullen, TIA Board of Directors, Vice-Chairman
Mr. Matthew Flanigan, TIA, President
Mr. Dan Bart, TIA, Senior Vice President, Standards and Special Projects
Dr. Prakash Chitre, Chairman, TIA TR-34 (Satellite Equipment and Systems)
Joslyn Read, SIA, Chairperson
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