

16 July 2004

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Room TW-A325
Washington DC 20554

Re: ***Ex Parte* Presentation**

In the Matter of : United States Department of Justice, Federal Bureau of Investigation and Drug Enforcement Administration, Joint Petition for Rulemaking to Resolve Various Outstanding Issues Concerning the Implementation of the Communications Assistance for Law Enforcement Act, FCC RM-10865

Dear Ms. Dortch:

This is to inform you that Anthony M. Rutkowski, VP of Regulatory Affairs of VeriSign Inc, met individually on 16 July 2004 with Christopher Libertelli - Senior Legal Advisor to Chairman Powell, Matthew Brill - Senior Legal Advisor to Commissioner Abernathy, and Scott Bergmann - Legal Advisor to Commissioner Adelstein.

The purpose of this meeting was to provide clarifications concerning the subject proceeding. The attached notes formed the basis of dialogue, and convey the substance of what was discussed. This material was additionally conveyed to Jessica Rosenworcel - Legal Advisor to Commissioner Copps.

VeriSign is a globally recognized leader in providing an array of large-scale, ultra-high availability infrastructure support capabilities for traditional voice telecommunications, Internet, security, and financial transaction services to providers and consumers through its various divisions in the U.S. and worldwide. As part of these commercial infrastructure support services, it provides *NetDiscovery Services*[™] to wireless, wireline, cable, satellite, and IP-enabled service providers as a cost-effective means of meeting CALEA obligations (and the equivalent in other countries) through a service bureau.

VeriSign looks forward to continued collaboration with the Commission in considering matters relating to the subject rulemaking proceeding.

Pursuant to the Commission's rules, this *ex parte* letter together with presentation notes are being filed via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceeding.

Respectfully submitted,

/s/

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cc: Christopher Libertelli
Matthew Brill
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Jessica Rosenworcel

VeriSign Briefing Points

*In Re: Joint Petition for Rulemaking to Resolve Various Outstanding Issues
Concerning the Implementation of the CALEA, FCC RM-10865
16 July 2004*

CALEA FOR NEXT GENERATION NETWORKS, INCLUDING IP-ENABLED SERVICES

- Diverse groups from industry and the public interest community have filed in support of the joint DOJ, FBI and DEA petition
- The legislative history of CALEA, the Commission in the CALEA proceeding, and appellate bodies have made it clear that the information service exemption is a narrow exclusion, and that the support capabilities were intended to evolve with network technology. There is no broad Internet exception
- The CALEA capabilities being sought by law enforcement are readily available in the marketplace; and substantial existing implementations for multiple operational needs in the U.S. and worldwide demonstrate that there is no inherent harm to Internet innovation, security, or privacy
- The requirements being sought are critical forensic needs for law enforcement domestically and worldwide for IP-Enabled and other Next Generation Network services
- Law enforcement agencies have been cooperating collegially and effectively within relevant industry activities
- Service bureau architectures and implementations dramatically reduce the cost impact of the capabilities on service providers, enhance the ability of law enforcement to meet essential forensic needs, and bolster trust and privacy

1. Widespread support for the petition

- Fifty law enforcement agencies throughout the U.S. (and Canada) joined in support (half of all the organizations filing comments)
- All of the lawful access support industry
- Nearly all providers support at least a NPRM
- Across the board industry and strong Congressional support echoed in recent House testimony (7 July 2002)

2. No Blanket Exemption for Everything Internet Related

- The legislative history of CALEA made it clear that the requirements were to evolve with the technology and needs of law enforcement
- Minimally, comparable capabilities are covered
- The Commission in the CALEA proceeding has taken an evolutionary approach
- Findings and decisions sustained on appeal

- 3. No Inherent Harm to Internet Innovation, Security, or Privacy**
 - Substantial IP-enabled services/VoIP CALEA support implementations exist on a commercial basis today for providers – both in-house and outsourced
 - Worldwide requirements exist and vendor solutions are global
 - Same technologies are used for other purposes such as infrastructure protection, consumer protection and fraud detection

- 4. Critical Forensic Needs for Law Enforcement Are Sought**
 - Network based and network facilitated crime necessitate these law enforcement tools
 - Nomadic and other characteristics of Internet-based Next Generation Networks compel responsive Commission action
 - Problems are global in nature, as evidenced by worldwide related activities and actions, including the Cybercrime Convention
 - Mature standards and technical capabilities exist today
 - Commission action is needed to help law enforcement control dramatically increasing Internet investigatory costs and complexities
 - Commission action in granting Joint Petition - like similar actions being taken by other communication regulatory agencies worldwide - is necessary and critical not only for law enforcement, but for the viability of next generation networks and IP-enabled services

- 5. Law Enforcement Activity Has Been Collegial and Effective**
 - Combined critical needs of more than 10,000 local, state, and federal law enforcement agencies need to be met
 - FBI has taken a widely-appreciated and professional leadership role with significant involvement by State and local agencies
 - Combination of domestic workshops, extensive requirements documents, and constant interaction with industry in a variety of forums has been invaluable to industry and fruitful as to results
 - Collegiality and cooperation has extended among diverse domestic, non-U.S, and international law enforcement and regulatory authorities to tackle global challenges

- 6. Third Party Service Bureaus Are Highly Effective in Meeting Capability Requirements**
 - Service bureau architectures dramatically effect:
 - reduced CALEA cost impact on communication service providers
 - the ability of law enforcement to meet forensic needs
 - the level of trust in meeting public interest objectives, including privacy
 - Special consideration should be given in the Commission's NPRM to such service bureau architectures, as well as the related means of funding the capabilities, especially for small or disadvantaged service providers.