



Internet Caucus Advisory Committee Meeting Wiretapping the Internet

The Communications Assistance for Law Enforcement Act (CALEA) established a flexible framework that balanced law enforcement's need for timely intercept information, consumers' desire to preserve the privacy of their communications, and the nation's interest in promoting the development of innovative communications services.

To date, this balance has been maintained and has worked well. The current framework imposes CALEA requirements on providers of telecommunications services, but allows the FCC to include providers of information services if it determines, on a case by case basis, that a particular information service, perhaps VoIP, has substantially replaced local telephone service. CALEA allows service providers to take the lead role in developing standards to comply with CALEA. Anyone may challenge them if they believe industry standards are somehow deficient. In such a case, the FCC is required to establish intercept standards by rule. Finally, CALEA does not require pre-approval of new technologies. Instead it allows providers to deploy new technologies, subject to the risk of a civil enforcement action by law enforcement.

Industry has developed standards covering the interception of voice over packet technologies. To date, no party has challenged those standards. While there has been uncertainty concerning the regulatory status of VoIP, the FCC has initiated a proceeding in response to law enforcements' joint petition for an expedited rulemaking to resolve issues concerning whether, how, and to what extent CALEA should be applied to information services, including various types of VoIP services.

MCI has worked closely with law enforcement agencies for many years and will continue to do so. We have expressed concerns in this proceeding, however, that the Department of Justice is seeking to upset the current balance by: developing legal theories that would apply CALEA requirements to all Internet services providers; require service providers to seek FCC approval before providing new services; and move enforcement of CALEA from the courts to the FCC. Such changes would unnecessarily restrain innovation across all IP-enabled services, by increasing the costs of innovation and time to market.

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MCI is a leading global communications provider, delivering innovative, cost-effective advanced communications connectivity to businesses, governments and consumers. With the industry's most expansive global IP backbone, based on the number of company-owned points-of-presence, and wholly-owned data networks, MCI develops the converged communications products and services that are the foundation for commerce and communications in today's markets.