



# OFFICE OF ADVOCACY *FACTSHEET*

409 3<sup>rd</sup> Street, SW • MC 3114 • Washington, DC 20416 • 202/205-6533 ph. • 202/205-6928 fax • [www.sba.gov/advo](http://www.sba.gov/advo)

## ***Advocacy Asks FCC to Consider Impacts and Alternatives When Applying CALEA to Broadband Internet Services***

On December 15, 2004, the Office of Advocacy (Advocacy) filed a reply comment with the Federal Communications Commission (FCC) on the applicability of the Communications Assistance for Law Enforcement Act (CALEA) to packet-mode services. Advocacy agrees with the FCC's determination that the proposed rule will have a significant economic impact on small telecommunications carriers and recommends that the FCC consider alternatives to minimize the impact. A complete copy of Advocacy's letter may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- Congress passed CALEA to balance three important policies: (1) to preserve the ability of law enforcement agencies to carry out wiretaps and other properly authorized intercepts, (2) to protect privacy, and (3) to avoid impeding the development of new technologies. In this rulemaking, the FCC is proposing to apply CALEA to packet-mode services such as broadband Internet access service and Voice over Internet Protocol. The FCC also is proposing to limit the availability of compliance extensions and require carriers to deploy equipment that is CALEA compliant.
- The Regulatory Flexibility Analysis (RFA) and Executive Order 13272 require government agencies to analyze the impact of proposed and final rules on small entities and consider less burdensome alternatives. The FCC issued an initial regulatory flexibility analysis (IRFA) as part of its proposed rule, but did not adequately analyze the impacts of the proposed rule on small businesses.
- Advocacy recommended that the FCC publish a revised IRFA for comment. This revised IRFA should include estimates on the costs that small carriers will incur to be CALEA compliant under the proposed rule. Small entities would then be able to comment on the accuracy of the estimates and ways to minimize the impact. Advocacy also recommends that the FCC develop alternative schemes to allow for the purchase and operation of equipment that will enable small telecommunication carriers to become compliant.

For more information, visit Advocacy's website at <http://www.sba.gov/advo/> or contact Eric Menge at (202) 205-6949.