

SUMMARY

The Corporation for Education Network Initiatives in California, Florida LambdaRail, Internet2, National LambdaRail, Pacific Northwest Gigapop and Southern Crossroads Gigapop are regional and national private advanced research and education network providers. [collectively, the “ARENs”] We urge the Commission to confirm that such private research and education networks are not covered by the Communications Assistance for Law Enforcement Act (“CALEA”).

The AREN Providers have significant infrastructure and capabilities that permit their members and users, which include primarily education and research institutions and sites, as well as other regional research and education networks and network exchange points, to interconnect their networks to achieve highly reliable, very high performance services that are necessary for today’s inherently collaborative and interconnected research and education purposes. In many respects, the ARENs, and other entities like them, are the private network mirror images of the public Internet.

By enabling a member university, community college, high school or other similar entity, for example, to connect to one of these private research and education networks, that entity is able to send its data at local and regional levels cost-effectively across the infrastructure provided by private research and education networks. These private research and education networks in turn connect to a national private research and education network like NLR, ultimately delivering the data to another regional private research and education network and to its intended destination at another local university, community college or high school that is part of that state’s or region’s private research and education network.

None of this intra- or inter-regional or intra- or inter-campus traffic crosses the public commodity Internet. However, traffic destined for a commercial Internet site is exchanged by the private regional research and education network at its gigapops, or at some workable

peering, exchange or inter-connection point, with a commercial provider who would use its equipment to deliver the packets to the public commodity Internet for routing. It is this commercial provider that provides access to the public commodity Internet that would have whatever CALEA obligation the Commission determines is appropriate through this and other proceedings.

If the Commission intended to cover these private research and education networks in the first instance, the Commission should now grant an exemption from CALEA's coverage by rule for research and education institutions and the private research and education networks like the ARENs upon which these entities rely for interconnection and traffic exchange. The criteria for exemption should be clear and include consideration of the impact on research, innovation, and delivery of education, as well as law enforcement's real needs and the existence of other real alternatives. The final rules should lighten any CALEA burden if a full exemption is not granted.

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