

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of**

**Communications Assistance for Law  
Enforcement Act and Broadband Access and  
Services**

**ET Docket No. 04-295**

**RM-10865**

**REPLY COMMENTS OF  
THE 23 CAMPUSES OF THE CALIFORNIA STATE UNIVERSITY AND THE SYSTEMWIDE OFFICE  
OF THE CHANCELLOR**

I, Chancellor Charles B. Reed, on behalf of the California State University System (CSU), respectfully submit these reply comments in response to the Further Notice of Proposed Rulemaking adopted in the above-captioned docket.<sup>1</sup> CSU supports the comments filed by the Higher Education Coalition and submits this reply to amplify several points based on its own experience and circumstances.

California State University is the largest system of four-year higher education in the country. It consists of 23 individual campuses and the Office of the Chancellor. It serves over 405,000 students with 22,000 faculty and offers more than 1800 bachelor's and master's programs in some 240 subjects. CSU educates approximately 70% of California's K-12 teachers (and almost 10% of the nation's) and a significant portion of the state's mid-level and higher managers. CSU serves as a portal to the middle class for many under-represented and under-served minority students in California and our students are frequently the first in their families to pursue higher education.

CSU supports the goals of the commission to ensure that court-ordered electronic surveillance meets the reasonable needs of law enforcement. However, there is not a reasonable need to subject educational institutions or the private networks that interconnect them to CALEA's regulatory framework.

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<sup>1</sup> *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) (“*Order*”).

CSU already meets in substance the needs of law enforcement and the costs of compliance would seriously hinder the teaching, research, and public service mission of the University.

The CSU's major areas of concern are the following:

- The uncertain administrative, financial and technical expenditures will exacerbate the many burdens that currently challenge the university system's ability to provide higher education to state of California at a reasonable cost. The actual technological compliance with CALEA appears to be significant in requiring both physical infrastructure upgrades and additional technical staff who will need to be trained. Even estimating the cost of compliance is difficult since the scope of compliance and the necessary technological requirements are unclear.
- CSU and the provider of its broadband inter-campus network, CENIC (The Corporation for Education Network Initiatives in California) are capable of providing appropriate information to law enforcement when properly served but, to the best of our recollection, the University has rarely if ever been asked to provide wiretap related data to law enforcement. Therefore, there is *no compelling government interest in requiring this specific surveillance technique and the costs to implement it go way beyond the expected benefit to be gained based on past practice*. In fact, CALEA specifically exempts private networks and information services.

In summary, it is the considered opinion of the CSU system that its past experience with law enforcement surveillance requests demonstrates that existing procedures are more than adequate to ensure prompt compliance with any lawful surveillance request by a law enforcement agency.

In addition, applying CALEA to CSU's broadband network would exacerbate the financial burdens already facing higher education. Such requirements would impose significant costs that would further impede the system's ability to deliver on its core responsibilities of providing affordable, accessible educational opportunities to the state of California.

California State University respectfully requests that the Commission clarify that private networks operated by higher education and research institutions are not subject to CALEA, or alternatively grant an exemption under Section 102(8)(C)(ii) of CALEA.

Respectfully submitted,

Charles B. Reed  
Chancellor

California State University