

MEMO

Date: 12/19/06

Merit has made some changes and further planning in our CALEA compliance work particularly given the fact that the T1 standard should be final soon, and the dates for the letters due to the FCC have come out.

Compliance Solution Testing:

We are re-writing the software to address the timing information specified in the draft T1 standard, header requirements for Law Enforcement, the ability to stream the captured information directly to law enforcement rather than store it locally, and other details. We will write up a technical description of the software including how we have addressed consistency with the standard. We've noted some open areas and some areas that are not addressed in the standard (e.g., logging), and the software description will note these areas and how we've handled or interpreted them.

We will also be writing a phase 2 test plan, and will have that write-up complete by early January. We'll circulate that to our constituency and peer networks. The test plan will include testing the software as well as the hardware capability up to 10G. We will release the test results when they are completed. We ordered the 10G hardware and expect it to arrive before the end of the year. The goal will be to have all the testing complete by the end of January.

After any necessary revisions, we'll release the software as open source at the end of January and welcome comments.

FCC Compliance Requirements:

By February 12, entities that need to be compliance need to fill out the form 45 stating whether the entity will be compliant which whether we'll be compliant by May 14th, and if not, why not.

Regarding the SSI, (system security and integrity plan) which is due March 12, it is more complex and in that, it appears we have to describe the technology and policies we will use to be compliant.

Merit believes it would be beneficial and efficient to have some commonality among the R&E networks in terms of this document. We anticipate that we may have about 80% commonality or more. Of course individual legal counsels may require things be done differently, and we have different governance, etc., but it seems a lot of the basics would be the same. We could also reduce duplication of effort if for those of us that are approaching compliance in essentially the same way.

Merit plans to use several inputs for our draft SSI: 1) Our current policies for handling subpoenas; 2) The requirements in the law of course; 3) The draft recommendations that the National Association of University Attorneys (I think that's the proper name) drafted relative to Title 18 subpoenas. We've asked our attorney if there are any other recommendations we should use.

Merit would be happy to share what we draft for the SSI. We will appreciate comments and you may use our drafts as you see fit.

But we probably won't have a first draft until after the February 12 deadline, likely the end of February.