April 18, 2006

Via Facsimile and U.S. Mail to The Honorable Kevin J. Martin
Open Proceeding 04-295

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Martin:

This letter is in support of the Petition for Review filed by the American Council on Education in October 2005 with the Federal Appeals Court of the District of Columbia. This petition challenges the Federal Communications Commission order which seeks to extend the provisions of the 1994 Communications Assistance for Law Enforcement Act (CALEA) to institutions of higher education. The original legislative intent of CALEA was to require telephone carriers to re-engineer telecommunications systems to allow easier surveillance activities by federal law enforcement agencies. We support all of the petitioner filings in this case including the Brief and Reply Brief. Additionally, we endorse the Higher Education Coalition formal comments filed in November and December 2005 in support of the petition.

The costs for enacting the original law were to be borne by the telecommunications providers. I presume that these costs were ultimately passed on to the consumer. Now, in a time of unprecedented decrease of real dollars for education both at the federal and state level, we understand that the Federal Communications Commission intends to expand the original intent of CALEA to institutions of higher education that will then bear the expensive burden of upgrading campus networks.

The Federal Communications Commission proposed rule will create an unfunded and expansive mandate. Washington’s institutions of higher education will be forced to pay millions of dollars to comply with this law – and we are concerned that Washington’s college students, and their families, will experience additional costs if we are required to finance this mandate. We ask our partners in the Federal government to be more sensitive to rising higher education costs, or at least describe in detail why the gains in surveillance at our institutions of higher education are worthy of such expensive measures. At the very least, careful study should be conducted prior to enactment to provide clear evidence of the need and the outcome of such an expansive measure.
implement such a measure in early 2007 would present a huge burden to the primary constituents of the Washington Community and Technical College System.

On behalf of our thirty-four community and technical colleges, I ask you to reconsider all relevant options that are in the best economic interests of our stakeholders.

Sincerely,

Linda Kaminski, Ed.D.
President
The Washington Association of Community and Technical Colleges and
President
Yakima Valley Community College

LK/dcr

cc: Mr. Charles Earl, President, Washington State Board for Community Colleges
    Presidents of Washington’s Public Universities and Colleges