IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re:	)
VERIZON INTERNET SERVICES, INC. Subpoena Enforcement Matter	)
RECORDING INDUSTRY ASSOCIATION OF AMERICA	)
v.	Miscellaneous Action Case No. 1:02MS00323
VERIZON INTERNET SERVICES, INC.	)

Declaration of Scott E. Lebredo in Support of Opposition by Verizon Internet Services to Motion to Enforce Ex Parte Subpoena Issued July 24, 2002

I, Scott E. Lebredo, do hereby declare and say:

1 I am an employee of Verizon Services Organization Inc. and, among other duties, I function as Manager of Operations Security for Verizon Internet Services Inc. ("Verizon' My primary areas of responsibility include managing Verizon's network security and supervising Verizon's compliance with obligations arising out of the copyright laws, including the Digital Millennium Copyright Act of 1998 ("DMCA").

2. Based on my employment duties and responsibilities and in the ordinary course of Verizon's business, I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify competently thereto.

Verizon's Internet Access Service

3. Verizon is an Internet service provider ("ISP") that provides Internet access to over one million subscribers.

4. I have reviewed the subpoena issued by the Recording Industry Association of America ("RIAA") to Verizon on July 24, 2002 (the "Subpoena"), and I understand it to direct that Verizon disclose the identity of a Verizon subscriber to Verizon's Internet access service ("the Subscriber") based on information that the Subscriber was operating at a particular Internet Protocol address ("IP address"), on a particular day, and at a particular time. I understand that RIAA has asserted that the Subscriber was using a peer-to-peer file sharing software, KaZaA software, allegedly to share copyrighted sound files with other persons using KaZaA software, without appropriate authorization.

5. With respect to the Subscriber described by the Subpoena and accompanying materials, Verizon serves only as the Subscriber's ISP and in that capacity only provided transmission services to the Subscriber in connection with the transmission of any allegedly offending material the Subscriber received from other Internet users or sent to other Internet users using KaZaA software. There is no business relationship between Verizon and KaZaA. Any transmission of the allegedly offending material to and from the Subscriber was initiated solely by and at the direction of the Subscriber. Verizon carried out the requested transmission through an automatic technical process in which Verizon neither selected the material that was sent or received by the Subscriber nor selected the recipients or senders of the material. During the course of any transmission of the material to or from the Subscriber, no copy of the material was maintained on Verizon's system or network. Further, in transmitting the material to or from the Subscriber, Verizon did not modify its content.

6. When the Subscriber received any material from a location on the Internet using KaZaA software or transmitted material to another location on the Internet using KaZaA software,

Verizon did not cache or otherwise perform any intermediate or temporary storage of the material being transmitted on a system or network controlled or operated by or for Verizon.

7. Verizon did not store on its system or network any materials received by the Subscriber from a location on the Internet using KaZaA software or transmitted at the direction of the Subscriber to a location on the Internet using KaZaA software.

8. With regard to the activities of the Subscriber using KaZaA software, Verizon acted as a passive transmitter for the material sent or received by the Subscriber and did not refer, point or provide a link to any online location through the use of any information location tools.

Peer-to-Peer Applications

9. Peer-to-peer file sharing allows a group of computer users to share files stored on one user's computer with other users' computers. Peer-to-peer file sharing has many applications. For example, some companies use peer-to-peer file sharing as a way for employees to share files without the expense of a centralized server or as an inexpensive way for companies to exchange information with other companies. Many individuals use peer-to-peer file sharing to exchange information with others who share like interests. It has also been asserted by copyright owners and others that peer-to-peer file sharing is used by some individuals to share unauthorized copies of copyrighted material.

10. Peer-to-peer software allows an Internet user of the software to share files with other users by allowing each user to review a list of available files maintained by other users of the software and/or to make a request for files of a particular description maintained by other users of the software. Once the requested file is determined to be available for transmission by another user of the software, the software allows the selected file to be transferred between the two

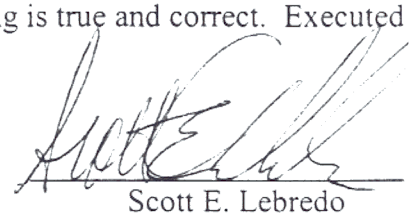
computers. All of this happens without the involvement or participation of Verizon as the end user's ISP other than the mere provision of transmission services.

11 KaZaA provides a popular version of this specialized software for peer-to-peer file sharing. According to KaZaA's Internet homepage, more than 100 million copies of its peer-to-peer file sharing software have been downloaded, and at any given time, more than 2 million of its users are commonly online.

The Process of Identifying Subscribers on the Basis of IP Addresses

12 Substantial time and effort is required for Verizon to determine the identity of one of its subscribers if Verizon is provided only with information that the subscriber was operating at a particular IP address, at a particular time, on a particular day (most of Verizon subscribers normally receive a different IP address frequently or each time they access the Verizon service). In order to determine a subscriber's identity based on this limited information, Verizon must employ a software tool to first search its network IP assignment records and then perform a second process to verify the identity of the subscriber determined in the search process. While the amount of time necessary to identify a subscriber accurately varies, on average it takes between 15 and 25 minutes to identify a subscriber to make the identification. Thus, if Verizon were asked to identify five subscribers, the process could take a Verizon employee over two hours to complete the identification. If Verizon were asked to identify 1,000 subscribers, the process could take Verizon employees 400 hours or more simply to identify the subscribers. The task of responding to requests to provide this information to third parties such as RIAA would require additional time and effort over and above the 15 to 25 minutes needed to identify the subscriber.

declare under penalty perjury that the foregoing is true and correct. Executed August 2002



Scott E. Lebredo