

(5) Compute the cash working capital allowance by multiplying the interstate cash operating expenses (*i.e.*, operating expenses minus depreciation and amortization) plus interest by the percentage computed in paragraph (e)(4) of this section.

[54 FR 9048, Mar. 3, 1989, as amended at 60 FR 12139, Mar. 6, 1995; 67 FR 5703, Feb. 6, 2002; 67 FR 13229, Mar. 21, 2002]

§ 65.830 Deducted items.

(a) The following items shall be deducted from the interstate rate base.

(1) The interstate portion of deferred taxes (Accounts 4100 and 4340).

(2) The interstate portion of customer deposits (Account 4040).

(3) The interstate portion of other long-term liabilities in (Account 4300 Other long-term liabilities and deferred credits) that were derived from the expenses specified in Sec. 65.450(a).

(4) The interstate portion of other deferred credits in (Account 4300 Other long-term liabilities and deferred credits) to the extent they arise from the provision of regulated telecommunications services. This shall include deferred gains related to sale-leaseback arrangements.

(b) The interstate portion of deferred taxes, customer deposits and other deferred credits shall be determined as prescribed by 47 CFR part 36.

(c) The interstate portion of other long-term liabilities included in (Account 4300 Other long-term liabilities and deferred credits) shall bear the same proportionate relationships as the interstate/intrastate expenses which gave rise to the liability.

[54 FR 9049, Mar. 3, 1989, as amended at 62 FR 15118, Mar. 31, 1997; 67 FR 5703, Feb. 6, 2002]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

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AUTHORITY: 47 U.S.C. 154, 303.

Subpart A—General

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).

SOURCE: 45 FR 20841, Mar. 31, 1980, unless otherwise noted.

§ 68.1 Purpose.

The purpose of the rules and regulations in this part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment and associated wiring thereto, and for the compatibility of hearing aids and telephones so as to ensure that persons with hearing aids have reasonable access to the telephone network.

(47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 220, 313, 403, 412, and 5 U.S.C. 553)

[49 FR 21733, May 23, 1984]

§ 68.2 Scope.

(a) Except as provided in paragraphs (b) and (c) of this section, the rules and regulations apply to direct connection of all terminal equipment to the public

switched telephone network for use in conjunction with all services other than party line services.

(b) *National defense and security.* Where the Secretary of Defense or authorized agent or the head of any other governmental department, agency, or administration (approved in writing by the Commission to act pursuant to this rule) or authorized representative, certifies in writing to the appropriate common carrier that compliance with the provisions of part 68 could result in the disclosure of communications equipment or security devices, locations, uses, personnel, or activity which would adversely affect the national defense and security, such equipment or security devices may be connected to the telephone company provided communications network without compliance with this part, provided that each written certification states that:

(1) The connection is required in the interest of national defense and security;

(2) The equipment or device to be connected either complies with the technical criteria pertaining thereto or will not cause harm to the nationwide telephone network or to employees of any provider of wireline telecommunications; and

(3) The installation is performed by well-trained, qualified employees under the responsible supervision and control of a person who is a licensed professional engineer in the jurisdiction in which the installation is performed.

(c) Governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section shall file a request with the Secretary of this Commission stating the reasons why the exemption is requested. A list of these departments, agencies, or administrations that have filed requests shall be published in the FEDERAL REGISTER. The Commission may take action with respect to those requests 30 days after publication. The Commission action shall be published in the FEDERAL REGISTER. However, the Commission may grant, on less than the normal notice period or without notice, special temporary authority, not to exceed 90 days, for governmental

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departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section. Requests for such authority shall state the particular fact and circumstances why authority should be granted on less than the normal notice period or without notice. In such cases, the Commission shall endeavor to publish its disposition as promptly as possible in the FEDERAL REGISTER.

[66 FR 7580, Jan. 24, 2001]

§ 68.3 Definitions.

As used in this part:

Demarcation point (also point of interconnection). As used in this part, the point of demarcation and/or interconnection between the communications facilities of a provider of wireline telecommunications, and terminal equipment, protective apparatus or wiring at a subscriber's premises.

Essential telephones. Only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

Harm. Electrical hazards to the personnel of providers of wireline telecommunications, damage to the equipment of providers of wireline telecommunications, malfunction of the billing equipment of providers of wireline telecommunications, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

Hearing aid compatible. Except as used at §§ 68.4(a)(3) and 68.414, the terms hearing aid compatible or hearing aid compatibility are used as defined in § 68.316, unless it is specifically stated that hearing aid compatibility volume control, as defined in § 68.317, is intended or is included in the definition.

Inside wiring or premises wiring. Customer-owned or controlled wire on the subscriber's side of the demarcation point.

Premises. As used herein, generally a dwelling unit, other building or a legal unit of real property such as a lot on which a dwelling unit is located, as determined by the provider of telecommunications service's reasonable and nondiscriminatory standard operating practices.

Private radio services. Private land mobile radio services and other communications services characterized by the Commission in its rules as private radio services.

Public mobile services. Air-to-ground radiotelephone services, cellular radio telecommunications services, offshore radio, rural radio service, public land mobile telephone service, and other common carrier radio communications services covered by part 22 of Title 47 of the Code of Federal Regulations.

Responsible party. The party or parties responsible for the compliance of terminal equipment or protective circuitry intended for connection directly to the public switched telephone network with the applicable rules and regulations in this part and with the technical criteria published by the Administrative Council for Terminal Attachments. If a Telecommunications Certification Body certifies the terminal equipment, the responsible party is the holder of the certificate for that equipment. If the terminal equipment is the subject of a Supplier's Declaration of Conformity, the responsible party shall be: the manufacturer of the terminal equipment, or the manufacturer of protective circuitry that is marketed for use with terminal equipment that is not to be connected directly to the network, or if the equipment is imported, the importer, or if the terminal equipment is assembled from individual component parts, the assembler. If the equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications, if located within the U.S., or the importer, if the equipment is imported subsequent to the modifications, becomes the new responsible party. Retailers or original equipment manufacturers may enter into an agreement with the assembler or importer to assume the responsibilities to ensure compliance of the terminal equipment and to become the responsible party.

Secure telephones. Telephones that are approved by the United States Government for the transmission of classified or sensitive voice communications.

Terminal equipment. As used in this part, communications equipment located on customer premises at the end

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of a communications link, used to permit the stations involved to accomplish the provision of telecommunications or information services.

[66 FR 7581, Jan. 24, 2001]

§ 68.4 Hearing aid-compatible telephones.

(a)(1) Except for telephones used with public mobile services, telephones used with private radio services, and cordless and secure telephones, every telephone manufactured in the United States (other than for export) or imported for use in the United States after August 16, 1989, must be hearing aid compatible, as defined in § 68.316. Every cordless telephone manufactured in the United States (other than for export) or imported into the United States after August 16, 1991, must be hearing aid compatible, as defined in § 68.316.

(2) Unless otherwise stated and except for telephones used with public mobile services, telephones used with private radio services and secure telephones, every telephone listed in § 68.112 must be hearing aid compatible, as defined in § 68.316.

(3) A telephone is hearing aid-compatible if it provides internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility.

(4) The Commission shall revoke or otherwise limit the exemptions of paragraph (a)(1) of this section for telephones used with public mobile services or telephones used with private radio services if it determines that (i) such revocation or limitation is in the public interest; (ii) continuation of the exemption without such revocation or limitation would have an adverse effect on hearing-impaired individuals; (iii) compliance with the requirements of § 68.4(a)(1) is technologically feasible for the telephones to which the exemption applies; and (iv) compliance with the requirements of § 68.4(a)(1) would not increase costs to such an extent that the telephones to

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which the exemption applies could not be successfully marketed.

[54 FR 21430, May 18, 1989, as amended at 55 FR 28763, July 13, 1990; 57 FR 27183, June 18, 1992; 61 FR 42186, Aug. 14, 1996]

§ 68.5 Waivers.

The Commission may, upon the application of any interested person, initiate a proceeding to waive the requirements of § 68.4(a)(1) with respect to new telephones, or telephones associated with a new technology or service. The Commission shall not grant such a waiver unless it determines, on the basis of evidence in the record of such proceeding, that such telephones, or such technology or service, are in the public interest, and that (a) compliance with the requirements of § 68.4(a)(1) is technologically infeasible, or (b) compliance with such requirements would increase the costs of the telephones, or of the technology or service, to such an extent that such telephones, technology, or service could not be successfully marketed. In any proceeding under this section to grant a waiver from the requirements of § 68.4(a)(1), the Commission shall consider the effect on hearing-impaired individuals of granting the waiver. The Commission shall periodically review and determine the continuing need for any waiver granted pursuant to this section.

[54 FR 21430, May 18, 1989]

§ 68.6 Telephones with volume control.

As of January 1, 2000, all telephones, including cordless telephones, as defined in § 15.3(j) of this chapter, manufactured in the United States (other than for export) or imported for use in the United States, must have volume control in accordance with § 68.317. Secure telephones, as defined by § 68.3 are exempt from this section, as are telephones used with public mobile services or private radio services.

[62 FR 43484, Aug. 14, 1997]

§ 68.7 Technical criteria for terminal equipment.

(a) Terminal equipment shall not cause harm, as defined in § 68.3, to the public switched telephone network.

(b) Technical criteria published by the Administrative Council for Terminal Attachments are the presumptively valid technical criteria for the protection of the public switched telephone network from harms caused by the connection of terminal equipment, subject to the appeal procedures in § 68.614 of this part.

[66 FR 7581, Jan. 24, 2001]

Subpart B—Conditions on Use of Terminal Equipment

§ 68.100 General.

In accordance with the rules and regulations in this part, terminal equipment may be directly connected to the public switched telephone network, including private line services provided over wireline facilities that are owned by providers of wireline telecommunications.

[66 FR 7581, Jan. 24, 2001]

§ 68.102 Terminal equipment approval requirement.

Terminal equipment must be approved in accordance with the rules and regulations in subpart C of this part, or connected through protective circuitry that is approved in accordance with the rules and regulations in subpart C.

[66 FR 7582, Jan. 24, 2001]

§ 68.105 Minimum point of entry (MPOE) and demarcation point.

(a) *Facilities at the demarcation point.* Carrier-installed facilities at, or constituting, the demarcation point shall consist of wire or a jack conforming to the technical criteria published by the Administrative Council for Terminal Attachments.

(b) *Minimum point of entry.* The “minimum point of entry” (MPOE) as used herein shall be either the closest practicable point to where the wiring crosses a property line or the closest practicable point to where the wiring enters a multiunit building or buildings. The reasonable and nondiscriminatory standard operating practices of the provider of wireline telecommunications services shall determine which shall apply. The provider of wireline

telecommunications services is not precluded from establishing reasonable classifications of multiunit premises for purposes of determining which shall apply. Multiunit premises include, but are not limited to, residential, commercial, shopping center and campus situations.

(c) *Single unit installations.* For single unit installations existing as of August 13, 1990, and installations installed after that date the demarcation point shall be a point within 30 cm (12 in) of the protector or, where there is no protector, within 30 cm (12 in) of where the telephone wire enters the customer's premises, or as close thereto as practicable.

(d) *Multiunit installations.* (1) In multiunit premises existing as of August 13, 1990, the demarcation point shall be determined in accordance with the local carrier's reasonable and non-discriminatory standard operating practices. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises, or as close thereto as practicable.

(2) In multiunit premises in which wiring is installed, including major additions or rearrangements of wiring existing prior to that date, the provider of wireline telecommunications may place the demarcation point at the minimum point of entry (MPOE). If the provider of wireline telecommunications services does not elect to establish a practice of placing the demarcation point at the minimum point of entry, the multiunit premises owner shall determine the location of the demarcation point or points. The multiunit premises owner shall determine whether there shall be a single demarcation point location for all customers or separate such locations for each customer. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point 30 cm (12 in) from where the wiring enters the customer's premises, or as close thereto as

practicable. At the time of installation, the provider of wireline telecommunications services shall fully inform the premises owner of its options and rights regarding the placement of the demarcation point or points and shall not attempt to unduly influence that decision for the purpose of obstructing competitive entry.

(3) In any multiunit premises where the demarcation point is not already at the MPOE, the provider of wireline telecommunications services must comply with a request from the premises owner to relocate the demarcation point to the MPOE. The provider of wireline telecommunications services must negotiate terms in good faith and complete the negotiations within forty-five days from said request. Premises owners may file complaints with the Commission for resolution of allegations of bad faith bargaining by provider of wireline telecommunications services. *See* 47 U.S.C. 208; 47 CFR 1.720 through 1.736 (1999).

(4) The provider of wireline telecommunications services shall make available information on the location of the demarcation point within ten business days of a request from the premises owner. If the provider of wireline telecommunications services does not provide the information within that time, the premises owner may presume the demarcation point to be at the MPOE. Notwithstanding the provisions of § 68.110(c) of this part, provider of wireline telecommunications services must make this information freely available to the requesting premises owner.

(5) In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit that serves only that particular customer.

[66 FR 7582, Jan. 24, 2001; 67 FR 60167, Sept. 25, 2002]

§ 68.106 Notification to provider of wireline telecommunications.

(a) *General.* Customers connecting terminal equipment or protective circuitry to the public switched telephone network shall, upon request of the provider of wireline telecommunications,

inform the provider of wireline telecommunications of the particular line(s) to which such connection is made, and any other information required to be placed on the terminal equipment pursuant to § 68.354 of this part by the Administrative Council for Terminal Attachments.

(b) *Systems assembled of combinations of individually-approved terminal equipment and protective circuitry.* Customers connecting such assemblages to the public switched telephone network shall, upon the request of the provider of wireline telecommunications, provide to the provider of wireline telecommunications the following information:

For each line:

(1) Information required for compatible operation of the equipment with the communications facilities of the provider of wireline telecommunications;

(2) The identifying information required to be placed on terminal equipment pursuant to § 68.354 for all equipment dedicated to that line; and

(3) Any other information regarding equipment dedicated to that line required to be placed on the terminal equipment by the Administrative Council for Terminal Attachments.

(4) A list of identifying numbers required to be placed on terminal equipment, if any, by the Administrative Council for Terminal Attachments, pursuant to § 68.354 of this part, for equipment to be used in the system.

(c) *Systems using other than "fully protected" premises wiring.* Customers who intend to connect premises wiring other than "fully protected" premises wiring to the public switched telephone network shall, in addition to the foregoing, give notice to the provider of wireline telecommunications in accordance with § 68.215(e).

[66 FR 7582, Jan. 24, 2001]

§ 68.108 Incidence of harm.

Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the public switched telephone network, or should the provider of wireline telecommunications reasonably determine that such harm is imminent, the provider of wireline telecommunications shall,

where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the provider of wireline telecommunications may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the provider of wireline telecommunications shall:

(a) Promptly notify the customer of such temporary discontinuance;

(b) Afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance; and

(c) Inform the customer of his right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part.

[55 FR 28630, July 12, 1990, as amended at 66 FR 7583, Jan. 24, 2001]

§ 68.110 Compatibility of the public switched telephone network and terminal equipment.

(a) *Availability of interface information.* Technical information concerning interface parameters not specified by the technical criteria published by the Administrative Council for Terminal Attachments, that are needed to permit terminal equipment to operate in a manner compatible with the communications facilities of a provider of wireline telecommunications, shall be provided by the provider of wireline telecommunications upon request.

(b) *Changes in the facilities, equipment, operations, or procedures of a provider of wireline telecommunications.* A provider of wireline telecommunications may make changes in its communications facilities, equipment, operations or procedures, where such action is reasonably required in the operation of its business and is not inconsistent with the rules and regulations in this part. If such changes can be reasonably expected to render any customer's terminal equipment incompatible with the communications facilities of the provider of wireline telecommunications, or require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance, the customer shall be given adequate notice in writing, to

allow the customer an opportunity to maintain uninterrupted service.

(c) *Availability of inside wiring information.* Any available technical information concerning wiring on the customer side of the demarcation point, including copies of existing schematic diagrams and service records, shall be provided by the provider of wireline telecommunications upon request of the building owner or agent thereof. The provider of wireline telecommunications may charge the building owner a reasonable fee for this service, which shall not exceed the cost involved in locating and copying the documents. In the alternative, the provider of wireline telecommunications may make these documents available for review and copying by the building owner. In this case, the provider of wireline telecommunications may charge a reasonable fee, which shall not exceed the cost involved in making the documents available, and may also require the building owner to pay a deposit to guarantee the documents' return.

[66 FR 7583, Jan. 24, 2001]

§ 68.112 Hearing aid-compatibility.

(a) *Coin telephones.* All new and existing coin-operated telephones, whether located on public property or in a semi-public location (e.g., drugstore, gas station, private club).

(b) *Emergency use telephones.* Telephones "provided for emergency use" include the following:

(1) Telephones, except headsets, in places where a person with a hearing disability might be isolated in an emergency, including, but not limited to, elevators, highways, and tunnels for automobile, railway or subway, and workplace common areas.

NOTE TO PARAGRAPH (b)(1): Examples of workplace common areas include libraries, reception areas and similar locations where employees are reasonably expected to congregate.

(2) Telephones specifically installed to alert emergency authorities, including, but not limited to, police or fire departments or medical assistance personnel.

(3) Telephones, except headsets, in workplace non-common areas. Note:

Examples of workplace non-common areas include private enclosed offices, open area individual work stations and mail rooms. Such non-common area telephones are required to be hearing aid compatible, as defined in § 68.316, by January 1, 2000, except for those telephones located in establishments with fewer than fifteen employees; and those telephones purchased between January 1, 1985 through December 31, 1989, which are not required to be hearing aid compatible, as defined in § 68.316, until January 1, 2005.

(i) Telephones, including headsets, made available to an employee with a hearing disability for use by that employee in his or her employment duty, shall, however, be hearing aid compatible, as defined in § 68.316.

(ii) As of January 1, 2000 or January 1, 2005, whichever date is applicable, there shall be a rebuttable presumption that all telephones located in the workplace are hearing aid compatible, as defined in § 68.316. Any person who identifies a telephone as non-hearing aid-compatible, as defined in § 68.316, may rebut this presumption. Such telephone must be replaced within fifteen working days with a hearing aid compatible telephone, as defined in § 68.316, including, on or after January 1, 2000, with volume control, as defined in § 68.317.

(iii) Telephones, not including headsets, except those headsets furnished under paragraph (b)(3)(i) of this section, that are purchased, or replaced with newly acquired telephones, must be:

(A) Hearing aid compatible, as defined in § 68.316, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

(iv) When a telephone under paragraph (b)(3)(iii) of this section is replaced with a telephone from inventory existing before October 23, 1996, any person may make a bona fide request that such telephone be hearing aid compatible, as defined in § 68.316. If the replacement occurs on or after January 1, 2000, the telephone must have volume control, as defined in § 68.317. The telephone shall be provided within fifteen working days.

(v) During the period from October 23, 1996, until the applicable date of January 1, 2000 or January 1, 2005, workplaces of fifteen or more employees also must provide and designate telephones for emergency use by employees with hearing disabilities through one or more of the following means:

(A) By having at least one coin-operated telephone, one common area telephone or one other designated hearing aid compatible telephone within a reasonable and accessible distance for an individual searching for a telephone from any point in the workplace; or

(B) By providing wireless telephones that meet the definition for hearing aid compatible for wireline telephones, as defined in § 68.316, for use by employees in their employment duty outside common areas and outside the offices of employees with hearing disabilities.

(4) All credit card operated telephones, whether located on public property or in a semipublic location (e.g., drugstore, gas station, private club), unless a hearing aid compatible (as defined in § 68.316) coin-operated telephone providing similar services is nearby and readily available. However, regardless of coin-operated telephone availability, all credit card operated telephones must be made hearing aid-compatible, as defined in § 68.316, when replaced, or by May 1, 1991, which ever comes sooner.

(5) Telephones needed to signal life threatening or emergency situations in confined settings, including but not limited to, rooms in hospitals, residential health care facilities for senior citizens, and convalescent homes:

(i) A telephone that is hearing aid compatible, as defined in § 68.316, is not required until:

(A) November 1, 1997, for establishments with fifty or more beds, unless replaced before that time; and

(B) November 1, 1998, for all other establishments with fewer than fifty beds, unless replaced before that time.

(ii) Telephones that are purchased, or replaced with newly acquired telephones, must be:

(A) Hearing aid compatible, as defined in § 68.116, after October 23, 1996; and

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(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

(iii) Unless a telephone in a confined setting is replaced pursuant to paragraph (b)(5)(ii) of this section, a hearing aid compatible telephone shall not be required if:

(A) A telephone is both purchased and maintained by a resident for use in that resident's room in the establishment; or

(B) The confined setting has an alternative means of signalling life-threatening or emergency situations that is available, working and monitored.

(6) Telephones in hotel and motel guest rooms, and in any other establishment open to the general public for the purpose of overnight accommodation for a fee. Such telephones are required to be hearing aid compatible, as defined in § 68.316, except that, for establishments with eighty or more guest rooms, the telephones are not required to be hearing aid compatible, as defined in § 68.316, until November 1, 1998; and for establishments with fewer than eighty guest rooms, the telephones are not required to be hearing aid compatible, as defined in § 68.316, until November 1, 1999.

(i) Anytime after October 23, 1996, if a hotel or motel room is renovated or newly constructed, or the telephone in a hotel or motel room is replaced or substantially, internally repaired, the telephone in that room must be:

(A) Hearing aid compatible, as defined in § 68.316, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

(ii) The telephones in at least twenty percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, as of April 1, 1997.

(iii) Notwithstanding the requirements of paragraph (b)(6) of this section, hotels and motels which use telephones purchased during the period January 1, 1985 through December 31, 1989 may provide telephones that are hearing aid compatible, as defined in § 68.316, in guest rooms according to the following schedule:

(A) The telephones in at least twenty percent of the guest rooms in a hotel or

motel must be hearing aid compatible, as defined in § 68.316, as of April 1, 1997;

(B) The telephones in at least twenty-five percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, by November 1, 1999; and

(C) The telephones in one-hundred percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, by January 1, 2001 for establishments with eighty or more guest rooms, and by January 1, 2004 for establishments with fewer than eighty guest rooms.

(c) *Telephones frequently needed by the hearing impaired.* Closed circuit telephones, i.e., telephones which cannot directly access the public switched network, such as telephones located in lobbies of hotels or apartment buildings; telephones in stores which are used by patrons to order merchandise; telephones in public transportation terminals which are used to call taxis or to reserve rental automobiles, need not be hearing aid compatible, as defined in § 68.316, until replaced.

[49 FR 1362, Jan. 11, 1984, as amended at 55 FR 28763, July 13, 1990; 57 FR 27183, June 18, 1992; 61 FR 42186, Aug. 14, 1996; 61 FR 42392, Aug. 15, 1996; 62 FR 43484, Aug. 14, 1997; 62 FR 51064, Sep. 30, 1997]

§ 68.160 Designation of Telecommunication Certification Bodies (TCBs).

(a) The Commission may designate Telecommunication Certification Bodies (TCBs) to approve equipment as required under this part. Certification of equipment by a TCB shall be based on an application with all the information specified in this part. The TCB shall process the application to determine whether the product meets the Commission's requirements and shall issue a written grant of equipment authorization. The grant shall identify the TCB and the source of authority for issuing it.

(b) The Federal Communications Commission shall designate TCBs in the United States to approve equipment subject to certification under the Commission's rules. TCBs shall be accredited by the National Institute of Standards and Technology (NIST) under its National Voluntary Conformity Assessment Evaluation

(NVCASE) program or other recognized programs based on ISO/IEC Guide 65, to comply with the Commission's qualification criteria for TCBs. NIST may, in accordance with its procedures, allow other appropriately qualified accrediting bodies to accredit TCBs and testing laboratories. TCBs shall comply with the requirements in § 68.162 of this part.

(c) In accordance with the terms of an effective bilateral or multilateral mutual recognition agreement or arrangement (MRA) to which the United States is a party, bodies outside the United States shall be permitted to authorize equipment in lieu of the Commission. A body in an MRA partner economy may authorize equipment to U.S. requirements only if that economy permits bodies in the United States to authorize equipment to its requirements. The authority designating these telecommunication certification bodies shall meet the following criteria.

(1) The organization accrediting the prospective telecommunication certification body shall be capable of meeting the requirements and conditions of ISO/IEC Guide 61.

(2) The organization assessing the telecommunication certification body shall appoint a team of qualified experts to perform the assessment covering all of the elements within the scope of accreditation. For assessment of telecommunications equipment, the areas of expertise to be used during the assessment shall include, but not be limited to, electromagnetic compatibility and telecommunications equipment (wired and wireless).

[64 FR 4997, Feb. 2, 1999]

§ 68.162 Requirements for Telecommunication Certification Bodies.

(a) Telecommunication certification bodies (TCBs) designated by the Commission, or designated by another authority pursuant to an effective mutual recognition agreement or arrangement to which the United States is a party, shall comply with the following requirements.

(b) *Certification methodology.* (1) The certification system shall be based on

type testing as identified in sub-clause 1.2(a) of ISO/IEC Guide 65.

(2) Certification shall normally be based on testing no more than one unmodified representative sample of each product type for which certification is sought. Additional samples may be requested if clearly warranted, such as when certain tests are likely to render a sample inoperative.

(c) *Criteria for designation.* (1) To be designated as a TCB under this section, an entity shall, by means of accreditation, meet all the appropriate specifications in ISO/IEC Guide 65 for the scope of equipment it will certify. The accreditation shall specify the group of equipment to be certified and the applicable regulations for product evaluation.

(2) The TCB shall demonstrate expert knowledge of the regulations for each product with respect to which the body seeks designation. Such expertise shall include familiarity with all applicable technical regulations, administrative provisions or requirements, as well as the policies and procedures used in the application thereof.

(3) The TCB shall have the technical expertise and capability to test the equipment it will certify and shall also be accredited in accordance with ISO/IEC Guide 25 to demonstrate it is competent to perform such tests.

(4) The TCB shall demonstrate an ability to recognize situations where interpretations of the regulations or test procedures may be necessary. The appropriate key certification and laboratory personnel shall demonstrate a knowledge of how to obtain current and correct technical regulation interpretations. The competence of the telecommunication certification body shall be demonstrated by assessment. The general competence, efficiency, experience, familiarity with technical regulations and products included in those technical regulations, as well as compliance with applicable parts of the ISO/IEC Guides 25 and 65, shall be taken into consideration.

(5) A TCB shall participate in any consultative activities, identified by the Commission or NIST, to facilitate a common understanding and interpretation of applicable regulations.

(6) The Commission will provide public notice of specific elements of these qualification criteria that will be used to accredit TCBs.

(d) *Sub-contractors.* (1) In accordance with the provisions of sub-clause 4.4 of ISO/IEC Guide 65, the testing of a product, or a portion thereof, may be performed by a sub-contractor of a designated TCB, provided the laboratory has been assessed by the TCB as competent and in compliance with the applicable provisions of ISO/IEC Guide 65 and other relevant standards and guides.

(2) When a subcontractor is used, the TCB shall be responsible for the test results and shall maintain appropriate oversight of the subcontractor to ensure reliability of the test results. Such oversight shall include periodic audits of products that have been tested.

(e) *Designation of TCBs.* (1) The Commission will designate as a TCB any organization that meets the qualification criteria and is accredited by NIST or its recognized accreditor.

(2) The Commission will withdraw the designation of a TCB if the TCB's accreditation by NIST or its recognized accreditor is withdrawn, if the Commission determines there is just cause for withdrawing the designation, or if the TCB requests that it no longer hold the designation. The Commission will provide a TCB with 30 days notice of its intention to withdraw the designation and provide the TCB with an opportunity to respond.

(3) A list of designated TCBs will be published by the Commission.

(f) *Scope of responsibility.* (1) TCBs shall certify equipment in accordance with the Commission's rules and policies.

(2) A TCB shall accept test data from any source, subject to the requirements in ISO/IEC Guide 65, and shall not unnecessarily repeat tests.

(3) TCBs may establish and assess fees for processing certification applications and other tasks as required by the Commission.

(4) A TCB may rescind a grant of certification within 30 days of grant for administrative errors. After that time, a grant can only be revoked by the Commission. A TCB shall notify both

the applicant and the Commission when a grant is rescinded.

(5) A TCB may not:

(i) Grant a waiver of Commission rules or technical criteria published by the Administrative Council, or certify equipment for which Commission rules or requirements, or technical criteria do not exist, or for which the application of the rules or requirements, or technical criteria is unclear.

(ii) Take enforcement actions.

(6) All TCB actions are subject to Commission review.

(g) *Post-certification requirements.* (1) A Telecommunications Certification Body shall supply a copy of each approved application form and grant of certification to the Administrative Council for Terminal Attachments.

(2) In accordance with ISO/IEC Guide 65, a TCB is required to conduct appropriate surveillance activities. These activities shall be based on type testing a few samples of the total number of product types which the certification body has certified. Other types of surveillance activities of a product that has been certified are permitted, provided they are no more onerous than testing type. The Commission may at any time request a list of products certified by the certification body and may request and receive copies of product evaluation reports. The Commission may also request that a TCB perform post-market surveillance, under Commission guidelines, of a specific product it has certified.

(3) If during post market surveillance of a certified product, a certification body determines that a product fails to comply with the applicable technical regulations, the certification body shall immediately notify the grantee and the Commission. A follow-up report shall also be provided within thirty days of the action taken by the grantee to correct the situation.

(4) Where concerns arise, the TCB shall provide a copy of the application file to the Commission within 30 calendar days of a request for the file made by the Commission to the TCB and the manufacturer. Where appropriate, the file should be accompanied by a request for confidentiality for any material that may qualify for confidential treatment under the Commission's

Rules. If the application file is not provided within 30 calendar days, a statement shall be provided to the Commission as to why it cannot be provided.

(h) In case of a dispute with respect to designation or recognition of a TCB and the testing or certification of products by a TCB, the Commission will be the final arbiter. Manufacturers and designated TCBs will be afforded at least 30 days to comment before a decision is reached. In the case of a TCB designated or recognized, or a product certified pursuant to an effective bilateral or multilateral mutual recognition agreement or arrangement (MRA) to which the United States is a party, the Commission may limit or withdraw its recognition of a TCB designated by an MRA party and revoke the certification of products using testing or certification provided by such a TCB. The Commission shall consult with the Office of the United States Trade Representative (USTR), as necessary, concerning any disputes arising under an MRA for compliance with under the Telecommunications Trade Act of 1988 (Section 1371–1382 of the Omnibus Trade and Competitiveness Act of 1988).

[64 FR 4998, Feb. 2, 1999, as amended at 66 FR 27601, May 18, 2001; 67 FR 57182, Sept. 9, 2002]

Subpart C—Terminal Equipment Approval Procedures

§ 68.201 Connection to the public switched telephone network.

Terminal equipment may not be connected to the public switched telephone network unless it has either been certified by a Telecommunications Certification Body or the responsible party has followed all the procedures in this subpart for Supplier's Declaration of Conformity.

[66 FR 7583, Jan. 24, 2001]

§ 68.211 Terminal equipment approval revocation procedures.

(a) *Causes for revocation.* The Commission may revoke the interconnection authorization of terminal equipment, whether that authorization was acquired through certification by a Telecommunications Certification Body or through the Supplier's Declaration of Conformity process in

§§ 68.320 through 68.350 of this part, where:

(1) The equipment approval is shown to have been obtained by misrepresentation;

(2) The approved equipment is shown to cause harms to the public switched telephone network, as defined in § 68.3;

(3) The responsible party willfully or repeatedly fails to comply with the terms and conditions of its equipment approval; or

(4) The responsible party willfully or repeatedly fails to comply with any rule, regulation or order issued by the Commission under the Communications Act of 1934 relating to terminal equipment.

(b) *Notice of intent to revoke interconnection authority.* Before revoking interconnection authority under the provisions of this section, the Commission, or the Enforcement Bureau under delegated authority, will issue a written Notice of Intent to Revoke Part 68 Interconnection Authority, or a Joint Notice of Apparent Liability for Forfeiture and Notice of Intent to Revoke Part 68 Interconnection Authority pursuant to §§ 1.80 and 1.89 of this chapter.

(c) *Delivery.* The notice will be sent via certified mail to the responsible party for the terminal equipment at issue at the address provided to the Administrative Council for Terminal Attachments.

(d) *Reauthorization.* A product that has had its approval revoked may not be authorized for connection to the public switched telephone network for a period of six months from the date of revocation of the approval.

(e) *Reconsideration or appeal.* A responsible party of terminal equipment that has had its authorization revoked and/or that has been assessed a forfeiture may request reconsideration or make administrative appeal of the decision pursuant to part 1 of the Commission's rules: Practice and Procedure, part 1 of this chapter.

[66 FR 7583, Jan. 24, 2001, as amended at 67 FR 13229, Mar. 21, 2002; 68 FR 13850, Mar. 21, 2003]

§ 68.213 Installation of other than “fully protected” non-system simple customer premises wiring.

(a) *Scope of this rule.* Provisions of this rule apply only to “unprotected” premises wiring used with simple installations of wiring for up to four line residential and business telephone service. More complex installations of wiring for multiple line services, for use with systems such as PBX and key telephone systems, are controlled by § 68.215 of these rules.

(b) *Wiring authorized.* Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to carrier-installed facilities if installed in accordance with these rules. The provider of wireline telecommunications is not responsible, except pursuant to agreement between it and the customer or undertakings by it, otherwise consistent with Commission requirements, for installation and maintenance of wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier. The subscriber and/or premises owner may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring and wiring that may have been installed by the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the protector installed by the provider of wireline telecommunications. All plugs and jacks used in connection with inside wiring shall conform to the published technical criteria of the Administrative Council for Terminal Attachments. In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit wiring that serves only that particular customer. See § 68.105 in this part. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the protector installed by the provider of

wireline telecommunications. All plugs and jacks used in connection with inside wiring shall conform to the published technical criteria of the Administrative Council for Terminal Attachments.

(c) *Material requirements.* (1) For new installations and modifications to existing installations, copper conductors shall be, at a minimum, solid, 24 gauge or larger, twisted pairs that comply with the electrical specifications for Category 3, as defined in the ANSI EIA/TIA Building Wiring Standards.

(2) Conductors shall have insulation with a 1500 Volt rms minimum breakdown rating. This rating shall be established by covering the jacket or sheath with at least 15 cm (6 inches) (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30 second time period to 1500 Volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

(3) All wire and connectors meeting the requirements set forth in paragraphs (c)(1) and (c)(2) shall be marked, in a manner visible to the consumer, with the symbol “CAT 3” or a symbol consisting of a “C” with a “3” contained within the “C” character, at intervals not to exceed one foot (12 inches) along the length of the wire.

(d) *Attestation.* Manufacturers (or distributors or retailers, whichever name appears on the packaging) of non-system telephone premises wire shall attest in a letter to the Commission that the wire conforms with part 68, FCC Rules.

[49 FR 21734, May 23, 1984, as amended at 50 FR 29392, July 19, 1985; 50 FR 47548, Nov. 19, 1985; 51 FR 944, Jan. 9, 1986; 55 FR 28630, July 12, 1990; 58 FR 44907, Aug. 25, 1993; 62 FR 36464, July 8, 1997; 65 FR 4140, Jan. 26, 2000; 66 FR 7583, Jan. 24, 2001]

§ 68.214 Changes in other than “fully protected” premises wiring that serves fewer than four subscriber access lines.

Operations associated with the installation, connection, reconfiguration and removal (other than final removal) of premises wiring that serves fewer than four subscriber access lines must be performed as provided in § 68.215(c) if the premises wiring is not “fully protected.” For this purpose, the supervisor and installer may be the same person.

[66 FR 7584, Jan. 24, 2001]

§ 68.215 Installation of other than “fully protected” system premises wiring that serves more than four subscriber access lines.

(a) *Types of wiring authorized*—(1) *Between equipment entities.* Unprotected premises wiring, and protected premises wiring requiring acceptance testing for imbalance, may be used to connect separately-housed equipment entities to one another.

(2) *Between an equipment entity and the public switched telephone network interface(s).* Fully-protected premises wiring shall be used to connect equipment entities to the public switched telephone network interface unless the provider of wireline telecommunications is unwilling or unable to locate the interface within 7.6 meters (25 feet) of the equipment entity on reasonable request. In any such case, other than fully-protected premises wiring may be used if otherwise in accordance with these rules.

(3) *Hardware protection as part of the facilities of the provider of wireline telecommunications.* In any case where the carrier chooses to provide (and the customer chooses to accept, except as authorized under paragraph (g) of this section), hardware protection on the network side of the interface(s), the presence of such hardware protection will affect the classification of premises wiring for the purposes of § 68.215, as appropriate.

(b) *Installation personnel.* Operations associated with the installation, connection, reconfiguration and removal (other than final removal of the entire premises communications system) of other than fully-protected premises

wiring shall be performed under the supervision and control of a supervisor, as defined in paragraph (c) of this section. The supervisor and installer may be the same person.

(c) *Supervision.* Operations by installation personnel shall be performed under the responsible supervision and control of a person who:

(1) Has had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment;

(2) Has been trained by the registrant of the equipment to which the wiring is to be connected in the proper performance of any operations by installation personnel which could affect that equipment’s continued compliance with these rules;

(3) Has received written authority from the registrant to assure that the operations by installation personnel will be performed in such a manner as to comply with these rules.

(4) Or, in lieu of paragraphs (c) (1) through (3) of this section, is a licensed professional engineer in the jurisdiction in which the installation is performed.

(d) *Workmanship and material requirements*—(1) *General.* Wiring shall be installed so as to assure that there is adequate insulation of telephone wiring from commercial power wiring and grounded surfaces. Wiring is required to be sheathed in an insulating jacket in addition to the insulation enclosing individual conductors (see below) unless located in an equipment enclosure or in an equipment room with restricted access; it shall be assured that this physical and electrical protection is not damaged or abraded during placement of the wiring. Any intentional removal of wiring insulation (or a sheath) for connections or splices shall be accomplished by removing the *minimum* amount of insulation necessary to make the connection or splice, and insulation equivalent to that provided by the wire and its sheath shall be suitably restored, either by placement of the splices or connections in an appropriate enclosure, or equipment rooms with restricted access, or by using adequately-insulated connectors or splicing means.

(2) *Wire.* Insulated conductors shall have a jacket or sheath with a 1500 volt rms minimum breakdown rating, except when located in an equipment enclosure or an equipment room with restricted access. This rating shall be established by covering the jacket or sheath with at least 15 cm (6 in) (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30 second time period to 1500 volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

(3) *Places where the jacket or sheath has been removed.* Any point where the jacket or sheath has been removed (or is not required) shall be accessible for inspection. If such points are concealed, they shall be accessible without disturbing permanent building finish (e.g., by removing a cover).

(4) *Building and electrical codes.* All building and electrical codes applicable in the jurisdiction to telephone wiring shall be complied with. If there are no such codes applicable to telephone wiring, Article 800 of the 1978 National Electrical Code, entitled Communications Systems, and other sections of that Code incorporated therein by reference shall be complied with.

(5) *Limitations on electrical signals.* Only signal sources that emanate from the provider of wireline telecommunications central office, or that are generated in equipment at the customer's premises and are "non-hazardous voltage sources" as defined in the technical criteria published by the Administrative Council for Terminal Attachments, may be routed in premises telephone wiring, except for voltages for network control signaling and supervision that are consistent with standards employed by the provider of wireline telecommunications. Current on individual wiring conductors shall be limited to values which do not cause an excessive temperature rise, with due regard to insulation materials and ambient temperatures. The following table assumes a 45° C temperature rise

for wire sizes 22 AWG or larger, and a 40° C rise for wire sizes smaller than 22 AWG, for poly-vinyl chloride insulating materials, and should be regarded as establishing *maximum* values to be derated accordingly in specific installations where ambient temperatures are in excess of 25° C:

MAXIMUM CONTINUOUS CURRENT CAPACITY OF
PVC INSULATED COPPER WIRE, CONFINED

Wire size, AWG	Circular mils	Maximum current, amperes
32	63.2	0.32
30	100.5	0.52
28	159.8	0.83
26	254.1	1.3
24	404.0	2.1
22	642.4	5.0
20	1022	7.5
18	1624	10

NOTE: The total current in all conductors of multiple conductor cables may not exceed 20% of the sum of the individual ratings of all such conductors.

(6) *Physical protection.* In addition to the general requirements that wiring insulation be adequate and not damaged during placement of the wiring, wiring shall be protected from adverse effects of weather and the environment in which it is used. Where wiring is attached to building finish surfaces (surface wiring), it shall be suitably supported by means which do not affect the integrity of the wiring insulation.

(e) *Documentation requirements.* A notarized affidavit and one copy thereof shall be prepared by the installation supervisor in advance of each operation associated with the installation, connection, reconfiguration and removal of other than fully-protected premises wiring (except when accomplished functionally using a cross-connect panel), except when involved with removal of the entire premises communications system using such wiring. This affidavit and its copy shall contain the following information:

(1) The responsible supervisor's full name, business address and business telephone number.

(2) The name of the registrant(s) (or manufacturer(s), if grandfathered equipment is involved) of any equipment to be used electrically between the wiring and the telephone network interface, which does not contain inherent protection against hazardous voltages and longitudinal imbalance.

(3) A statement as to whether the supervisor complies with § 68.215(c). Training and authority under § 68.215(c)(2)–(3) is required from the registrant (or manufacturer, if grandfathered equipment is involved) of the first piece of equipment electrically connected to the telephone network interface, other than passive equipments such as extensions, cross-connect panels, or adapters. In general, this would be the registrant (or manufacturer) of a system's common equipment.

(4) The date(s) when placement and connection of the wiring will take place.

(5) The business affiliation of the installation personnel.

(6) Identification of specific national and local codes which will be adhered to.

(7) The manufacturer(s); a brief description of the wire which will be used (model number or type); its conformance with recognized standards for wire if any (e.g., Underwriters Laboratories listing, Rural Electrification Administration listing, "KS-" specification, etc.); and a general description of the attachment of the wiring to the structure (e.g., run in conduit or ducts exclusively devoted to telephone wiring, "fished" through walls, surface attachment, etc.).

(8) The date when acceptance testing for imbalance will take place.

(9) The supervisor's signature. The notarized original shall be submitted to the provider of wireline telecommunications at least ten calendar days in advance of the placement and connection of the wiring. This time period may be changed by agreement of the provider of wireline telecommunications and the supervisor. The copy shall be maintained at the premises, available for inspection, so long as the wiring is used for telephone service.

(f) *Acceptance testing for imbalance.* Each telephone network interface that is connected directly or indirectly to other than fully-protected premises wiring shall be subjected to the acceptance test procedures specified in this section whenever an operation associated with the installation, connection, reconfiguration or removal of this wir-

ing (other than final removal) has been performed.

(1) *Test procedure for two-way or outgoing lines or loops.* A telephone instrument may be associated directly or indirectly with the line or loop to perform this test if one is not ordinarily available to it:

(i) Lift the handset of the telephone instrument to create the off-hook state on the line or loop under test.

(ii) Listen for noise. Confirm that there is neither audible hum nor excessive noise.

(iii) Listen for dial tone. Confirm that dial tone is present.

(iv) Break dial tone by dialing a digit. Confirm that dial tone is broken as a result of dialing.

(v) With dial tone broken, listen for audible hum or excessive noise. Confirm that there is neither audible hum nor excessive noise.

(2) *Test procedure for incoming-only (non-originating) lines or loops.* A telephone instrument may be associated directly or indirectly with the line or loop to perform this test if one is not ordinarily available to it:

(i) Terminate the line or loop under test in a telephone instrument in the on-hook state.

(ii) Dial the number of the line or loop under test from another station, blocking as necessary other lines or loops to cause the line or loop under test to be reached.

(iii) On receipt of ringing on the line or loop under test, lift the handset of the telephone instrument to create the off-hook state on that line or loop.

(iv) Listen for audible hum or excessive noise. Confirm that there is neither audible hum nor excessive noise.

(3) *Failure of acceptance test procedures.* Absence of dial tone before dialing, inability to break dial tone, or presence of audible hum or excessive noise (or any combination of these conditions) during test of two-way or outgoing lines or loops indicates failure. Inability to receive ringing, inability to break ringing by going off-hook, or presence of audible hum or excessive noise (or any combination of these conditions) during test of incoming-only lines or loops indicates failure. Upon any such failure, the failing equipment

or portion of the premises communications system shall be disconnected from the network interface, and may not be reconnected until the cause of the failure has been isolated or removed. Any previously tested lines or loops shall be retested if they were in any way involved in the isolation and removal of the cause of the failure.

(4) *Monitoring or participation in acceptance testing by the provider of wireline telecommunications.* The provider of wireline telecommunications may monitor or participate in the acceptance testing required under this section, in accordance with § 68.215(g) of this part, from its central office test desk or otherwise.

(g) *Extraordinary procedures.* The provider of wireline communications is hereby authorized to limit the subscriber's right of connecting approved terminal equipment or protective circuitry with other than fully-protected premises wiring, but solely in accordance with this paragraph and § 68.108 of these rules.

(1)(i) *Conditions that may invoke these procedures.* The extraordinary procedures authorized herein may only be invoked where one or more of the following conditions is present:

(A) Information provided in the supervisor's affidavit gives reason to believe that a violation of part 68 of the FCC's rules is likely.

(B) A failure has occurred during acceptance testing for imbalance.

(C) Harm has occurred, and there is reason to believe that this harm was a result of wiring operations performed under this section.

(ii) The extraordinary procedures authorized in the following subsections shall not be used so as to discriminate between installations by provider of wireline telecommunications personnel and installations by others. In general, this requires that any charges for these procedures be levied in accordance with, or analogous to, the "maintenance of service" tariff provisions: If the installation proves satisfactory, no charge should be levied.

(2) *Monitoring or participation in acceptance testing for imbalance.* Notwithstanding the previous sub-section, the provider of wireline telecommunications may monitor or participate in

acceptance testing for imbalance at the time of the initial installation of wiring in the absence of the conditions listed therein; at any other time, on or more of the listed conditions shall be present. Such monitoring or participation in acceptance testing should be performed from the central office test desk where possible to minimize costs.

(3) *Inspection.* Subject to paragraph (g)(1) of this section, the provider of wireline telecommunications may inspect wiring installed pursuant to this section, and all of the splicing and connection points required to be accessible by § 68.215(d)(3) to determine compliance with this section. The user or installation supervisor shall either authorize the provider of wireline telecommunications to render the splicing and inspection points visible (e.g., by removing covers), or perform this action prior to the inspection. To minimize disruption of the premises communications system, the right of inspecting is limited as follows:

(i) During initial installation of wiring:

(A) The provider of wireline telecommunications may require withdrawal of up to 5 percent (measured linearly) of wiring run concealed in ducts, conduit or wall spaces, to determine conformance of the wiring to the information furnished in the affidavit.

(B) In the course of any such inspection, the provider of wireline telecommunications shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(ii) After failure of acceptance testing or after harm has resulted from installed wiring: The provider of wireline telecommunications may require withdrawal of all wiring run concealed in ducts, conduit or wall spaces which reasonably could have caused the failure or harm, to determine conformance of the wiring to the information furnished in the affidavit.

(iii) In the course of any such inspection, the provider of wireline telecommunications shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

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(4) *Requiring the use of protective apparatus.* In the event that any of the conditions listed in paragraph (g)(1) of this section, arises, and is not permanently remedied within a reasonable time period, the provider of wireline telecommunications may require the use of protective apparatus that either protects solely against hazardous voltages, or that protects both against hazardous voltages and imbalance. Such apparatus may be furnished either by the provider of wireline telecommunications or by the customer. This right is in addition to the rights of the provider of wireline telecommunications under § 68.108.

(5) *Notice of the right to bring a complaint.* In any case where the provider of wireline telecommunications invokes the extraordinary procedures of § 68.215(g), it shall afford the customer the opportunity to correct the situation that gave rise to invoking these procedures, and inform the customer of the right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part. On complaint, the Commission reserves the right to perform any of the inspections authorized under this section, and to require the performance of acceptance tests.

(h) *Limitations on the foregoing if protected wiring requiring acceptance testing is used.* If protected wiring is used which required acceptance testing, the requirements in the foregoing paragraphs of § 68.215 are hereby limited, as follows:

(1) *Supervision.* Section 68.215(c)(2)–(3) are hereby waived. The supervisor is only required to have had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment.

(2) *Extraordinary procedures.* Section 68.215(g)(3) is hereby limited to allow for inspection of exposed wiring and connection and splicing points, but not for requiring the withdrawal of wiring from wiring run concealed in ducts, conduit or wall spaces unless actual harm has occurred, or a failure of acceptance testing has not been corrected

within a reasonable time. In addition, § 68.215(g)(4) is hereby waived.

[43 FR 16499, Apr. 19, 1978, as amended at 44 FR 7958, Feb. 8, 1979; 47 FR 37896, Aug. 27, 1982; 49 FR 21735, May 23, 1984; 58 FR 44907, Aug. 25, 1993; 66 FR 7584, Jan. 24, 2001]

§ 68.218 Responsibility of the party acquiring equipment authorization.

(a) In acquiring approval for terminal equipment to be connected to the public switched telephone network, the responsible party warrants that each unit of equipment marketed under such authorization will comply with all applicable rules and regulations of this part and with the applicable technical criteria of the Administrative Council for Terminal Attachments.

(b) The responsible party or its agent shall provide the user of the approved terminal equipment the following:

(1) Consumer instructions required to be included with approved terminal equipment by the Administrative Council for Terminal Attachments;

(2) For a telephone that is not hearing aid-compatible, as defined in § 68.316 of these rules:

(i) Notice that FCC rules prohibit the use of that handset in certain locations; and

(ii) A list of such locations (see § 68.112).

(c) When approval is revoked for any item of equipment, the responsible party must take all reasonable steps to ensure that purchasers and users of such equipment are notified to discontinue use of such equipment.

[66 FR 7585, Jan. 24, 2001]

§ 68.224 Notice of non-hearing aid compatibility.

Every non-hearing aid compatible telephone offered for sale to the public on or after August 17, 1989, whether previously-registered, newly registered or refurbished shall:

(a) Contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible, as is defined in §§ 68.4(a)(3) and 68.316, or if offered for sale without a surrounding package, shall be affixed with a written statement that the telephone is not hearing aid-compatible, as defined in §§ 68.4(a)(3) and 68.316; and

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(b) Be accompanied by instructions in accordance with § 68.218(b)(5) of the rules.

[54 FR 21431, May 18, 1989, as amended at 61 FR 42187, Aug. 14, 1996]

Subpart D—Conditions for Terminal Equipment Approval

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).

SOURCE: 45 FR 20853, Mar. 31, 1980, unless otherwise noted.

§ 68.300 Labeling requirements.

(a) Terminal equipment approved as set out in this part must be labeled in accordance with the requirements published by the Administrative Council for Terminal Attachments and with requirements of this part for hearing aid compatibility and volume control.

(b) As of April 1, 1997, all registered telephones, including cordless telephones, as defined in § 15.3(j) of this chapter, manufactured in the United States (other than for export) or imported for use in the United States, that are hearing aid compatible, as defined in § 68.316, shall have the letters "HAC" permanently affixed thereto. "Permanently affixed" shall be defined as in paragraph (b)(5) of this section. Telephones used with public mobile services or private radio services, and secure telephones, as defined by § 68.3, are exempt from this requirement.

[62 FR 61664, Nov. 19, 1997, as amended at 64 FR 3048, Jan. 20, 1999; 66 FR 7585, Jan. 24, 2001]

§ 68.316 Hearing aid compatibility: Technical requirements.

A telephone handset is hearing aid compatible for the purposes of this section if it complies with the following standard, published by the Telecommunications Industry Association, copyright 1983, and reproduced by permission of the Telecommunications Industry Association:

ELECTRONIC INDUSTRIES ASSOCIATION RECOMMENDED STANDARD RS-504 MAGNETIC FIELD INTENSITY CRITERIA FOR TELEPHONE COMPATIBILITY WITH HEARING AIDS

[Prepared by EIA Engineering Committee TR-41 and the Hearing Industries Association's Standards and Technical Committee]

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Magnetic Field Intensity Criteria for Telephone Compatibility With Hearing Aids

(From EIA Standards Proposal No. 1652, formulated under the cognizance of EIA TR-41 Committee on Voice Telephone Terminals and the Hearing Industries Association's Standards and Technical Committee.)

1 Introduction

Hearing-aid users have used magnetic coupling to enable them to participate in telephone communications since the 1940's. Magnetic pick-ups in hearing-aids have provided for coupling to many, but not all, types of telephone handsets. A major reason for incompatibility has been the lack of handset magnetic field intensity requirements. Typically, whatever field existed had been provided fortuitously rather than by design. More recently, special handset designs, e.g., blue grommet handsets associated with public telephones, have been introduced to provide hearing-aid coupling and trials were conducted to demonstrate the acceptability of such designs. It is anticipated that there will be an increase in the number of new handset designs in the future. A standard definition of the magnetic field intensity emanating from telephone handsets intended to provide hearing-aid coupling is needed so

that hearing-aid manufacturers can design their product to use this field, which will be guaranteed in handsets which comply with this standard.

1.1 This standard is one of a series of technical standards on voice telephone terminal equipment prepared by EIA Engineering Committee TR-41. This document, with its companion standards on Private Branch Exchanges (PBX), Key Telephone Systems (KTS), Telephones and Environmental and Safety Considerations (Refs: A1, A2, A3 and A4) fills a recognized need in the telephone industry brought about by the increasing use in the public telephone network of equipment supplied by numerous manufacturers. It will be useful to anyone engaged in the manufacture of telephone terminal equipment and hearing-aids and to those purchasing, operating or using such equipment or devices.

1.2 This standard is intended to be a living document, subject to revision and updating as warranted by advances in network and terminal equipment technology and changes in the FCC Rules and Regulations.

2 Scope

2.1 The purpose of this document is to establish formal criteria defining the magnetic field intensity presented by a telephone to which hearing aids can couple. The requirements are based on present telecommunications plant characteristics at the telephone interface. The telephone will also be subject to the applicable requirements of EIA RS-470, Telephone Instruments with Loop Signaling for Voiceband Applications (Ref: A3) and the environmental requirements specified in EIA Standards Project PN-1361, Environmental and Safety Considerations for Voice Telephone Terminals, when published (Ref: A4).

Telephones which meet these requirements should ensure satisfactory service to users of magnetically coupled hearing-aids in a high percentage of installations, both initially and over some period of time, as the network grows and changes occur in telephone serving equipment. However, due to the wide range of customer apparatus and loop plant and dependent on the environment in which the telephone and hearing aid are used, conformance with this standard does not guarantee acceptable performance or interface compatibility under all possible operating conditions.

2.2 A telephone complies with this standard if it meets the requirements in this standard when manufactured and can be expected to continue to meet these requirements when properly used and maintained. For satisfactory service a telephone needs to be capable, through the proper selection of equipment options, of satisfying the requirements applicable to its marketing area.

2.3 The standard is intended to be in conformance with part 68 of the FCC Rules and Regulations, but it is not limited to the scope of those rules (Ref: A5).

2.4 The signal level and method of measurement in this standard have been chosen to ensure reproducible results and permit comparison of evaluations. The measured magnetic field intensity will be approximately 15 dB above the average level encountered in the field and the measured high-end frequency response will be greater than that encountered in the field.

2.5 The basic accuracy and reproducibility of measurements made in accordance with this standard will depend primarily upon the accuracy of the test equipment used, the care with which the measurements are conducted, and the inherent stability of the devices under test.

3 Definitions

This section contains definitions of terms needed for proper understanding and application of this standard which are not believed to be adequately treated elsewhere. A glossary of telephone terminology, which will be published as a companion volume to the series of technical standards on Telephone Terminals For Voiceband Applications, is recommended as a general reference and for definitions not covered in this section.

3.1 A telephone is a terminal instrument which permits two-way, real-time voice communication with a distant party over a network or customer premises connection. It converts real-time voice and voiceband acoustic signals into electrical signals suitable for transmission over the telephone network and converts received electrical signals into acoustic signals. A telephone which meets the requirements of this standard also generates a magnetic field to which hearing-aids may couple.

3.2 The telephone boundaries are the electrical interface with the network, PBX or KTS and the acoustic, magnetic and mechanical interfaces with the user. The telephone may also have an electrical interface with commercial power.

3.3 A hearing aid is a personal electronic amplifying device, intended to increase the loudness of sound and worn to compensate for impaired hearing. When equipped with an optional inductive pick-up coil (commonly called a telecoil), a hearing aid can be used to amplify magnetic fields such as those from telephone receivers or induction-loop systems.

3.4 The reference plane is the planar area containing points of the receiver-end of the handset which, in normal handset use, rest against the ear (see Fig 1).

3.5 The measurement plane is parallel to, and 10 mm in front of, the reference plane (see Fig 1).

3.6 The reference axis is normal to the reference plane and passes through the center of the receiver cap (or the center of the hole array, for handset types that do not have receiver caps).

3.7 The measurement axis is parallel to the reference axis but may be displaced from that axis, by a maximum of 10 mm (see Fig

1). Within this constraint, the measurement axis may be located where the axial and radial field intensity measurements, are optimum with regard to the requirements. In a handset with a centered receiver and a circularly symmetrical magnetic field, the measurement axis and the reference axis would coincide.

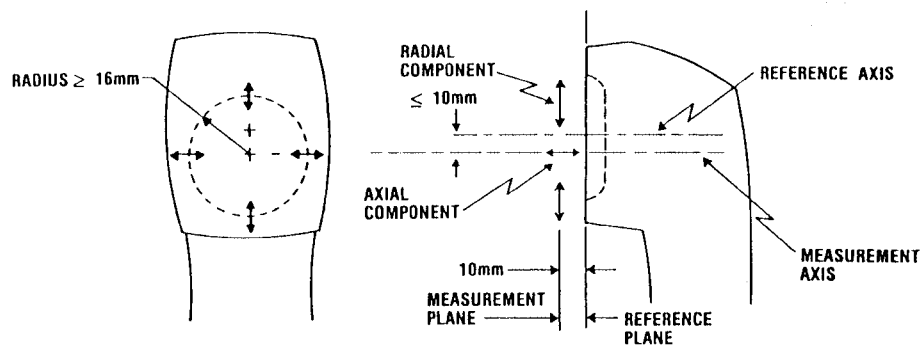


FIG 1 REFERENCE AND MEASUREMENT PLANES AND AXES

4 Technical Requirements

4.1 General.

These criteria apply to handsets when tested as a constituent part of a telephone.

4.1.1 Three parameters descriptive of the magnetic field at points in the measurement plane shall be used to ascertain adequacy for magnetic coupling. These three parameters are intensity, direction and frequency response, associated with the field vector.

4.1.2 The procedures for determining the parameter values are defined in the IEEE Standard Method For Measuring The Magnetic Field Intensity Around A Telephone Receiver (Ref: A6), with the exception that this EIA Recommended Standard does not require that the measurements be made using an equivalent loop of 2.75 km of No. 26 AWG cable, but uses a 1250-ohm resistor in series with the battery feed instead (see Fig 2).

4.1.3 When testing other than general purpose analog telephones, e.g., proprietary or digital telephones, an appropriate feed circuit and termination shall be used that produces equivalent test conditions.

4.2 Axial Field Intensity.

When measured as specified in 4.1.2, the axial component of the magnetic field directed along the measurement axis and located at the measurement plane, shall be greater than -22 dB relative to 1 A/m, for an input of -10 dBV at 1000 Hz (see Fig 2).

NOTE: If the magnitude of the axial component exceeds -19 dB relative to 1 A/m, some relaxation in the frequency response is permitted (See 4.4.1).

4.3 Radial Field Intensity.

When measured as specified in 4.1.2, radial components of the magnetic field as measured at four points 90° apart, and at a distance ≥ 16 mm from the measurement axis (as selected in 4.2), shall be greater than -27 dB relative to 1 A/m, for an input of -10 dBV at 1000 Hz (see Fig 2).

4.4 Induced Voltage Frequency Response.

The frequency response of the voltage induced in the probe coil by the axial component of the magnetic field as measured in 4.2, shall fall within the acceptable region of Fig 4A or Fig 4B (see 4.4.1 and 4.4.2), over the frequency range 300-to-3300 Hz.

4.4.1 For receivers with an axial component which exceeds -19 dB relative to 1 A/m, when measured as specified in 4.1.2, the frequency response shall fall within the acceptable region of Fig 4A.

4.4.2 For receivers with an axial component which is less than -19 dB but greater than -22 dB relative to 1 A/m, when measured as specified in 4.1.2, the frequency response shall fall within the acceptable region of Fig 4B.

BLOCK DIAGRAM MAGNETIC FIELD MEASURING APPARATUS

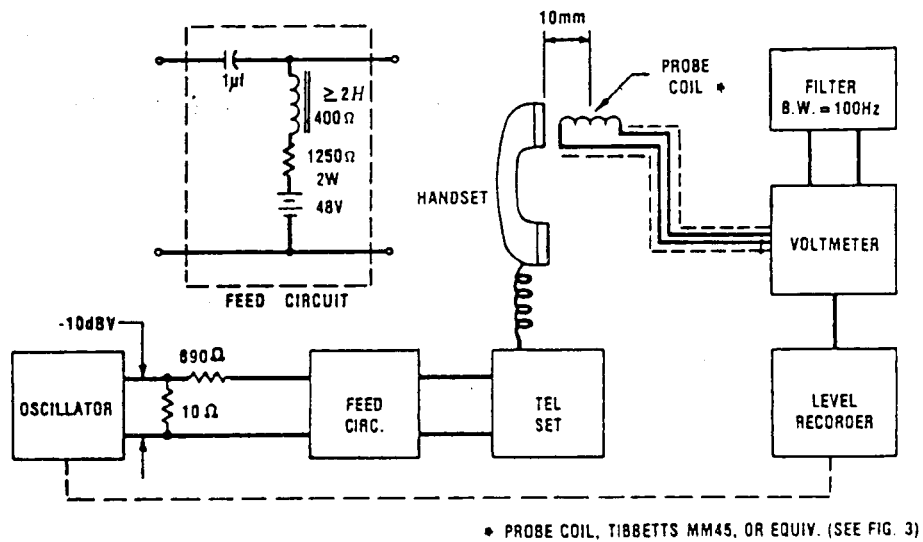
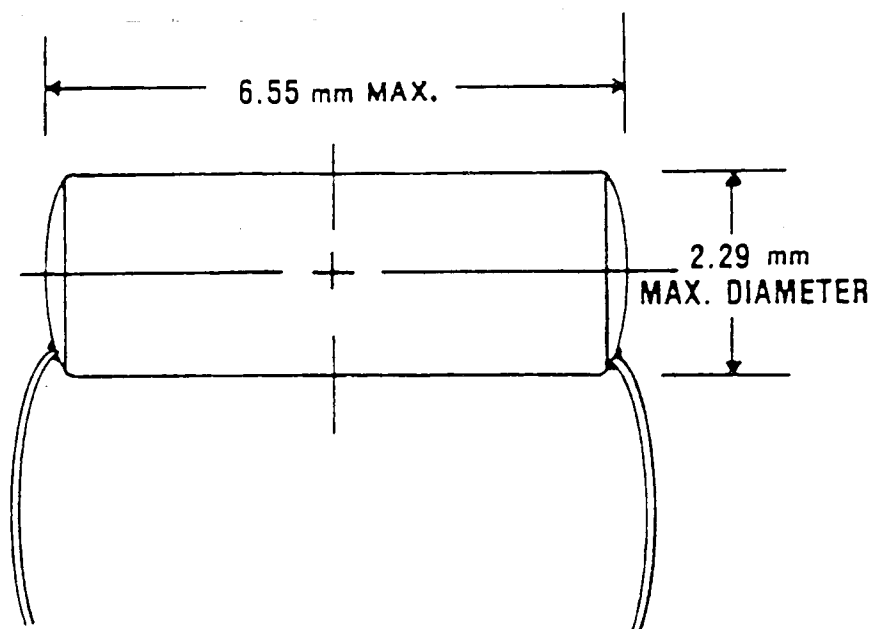


FIG 2 MEASUREMENT BLOCK DIAGRAM



TYPICAL PARAMETERS OF PROBE COIL

DC RESISTANCE: $900\ \Omega$
INDUCTANCE: 140 mH
SENSITIVITY: -60.5 dBV/(A/m)

FIG 3 PROBE COIL PARAMETERS

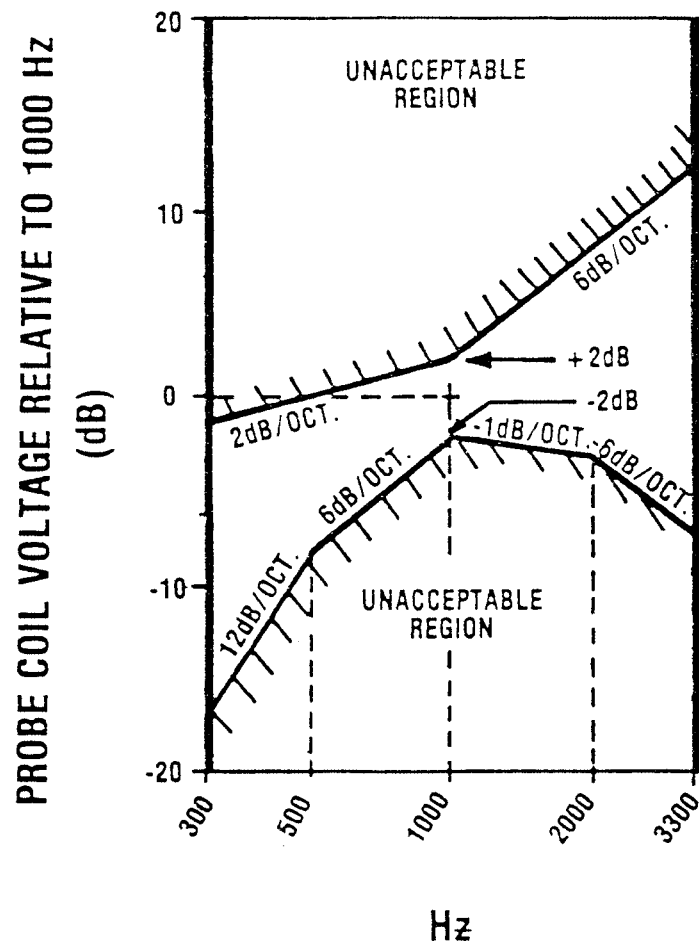


FIG 4A INDUCED VOLTAGE FREQUENCY RESPONSE
FOR RECEIVERS WITH AN AXIAL FIELD THAT EXCEEDS -19 dB

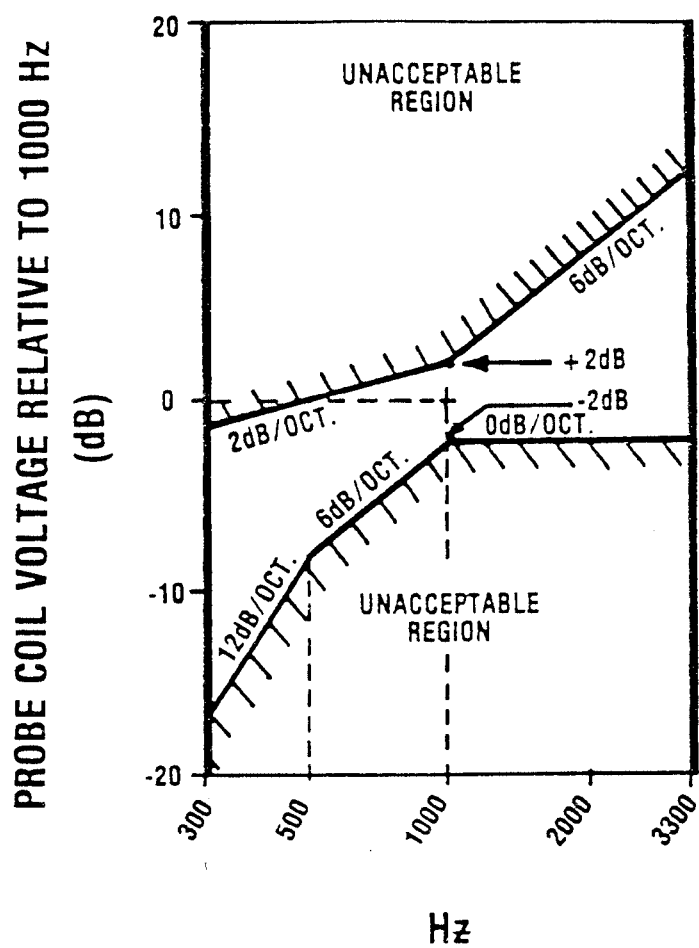


FIG 4B INDUCED VOLTAGE FREQUENCY RESPONSE
FOR RECEIVERS WITH AN AXIAL FIELD THAT EXCEEDS -22 dB

APPENDIX A—BIBLIOGRAPHY

(A1) EIA Standard RS-464, Private Branch Exchange (PBX) Switching Equipment for Voiceband Applications.

(A2) EIA Standard RS-478, Multi-Line Key Telephone Systems (KTS) for Voiceband Applications.

(A3) EIA Standard RS-470, Telephone Instruments with Loop Signaling for Voiceband Applications.

(A4) EIA Project Number PN-1361, Environmental and Safety Considerations for Voice Telephone Terminals.

(A5) Federal Communications Commission Rules and Regulations, part 68, Connection of Terminal Equipment to the Telephone Network.

(A6) IEEE Standard, Method for Measuring the Magnetic Field around a Telephone Receiver. (to be published)

[49 FR 1363, Jan. 11, 1984, as amended at 61 FR 42187, Aug. 14, 1996]

§ 68.317 Hearing aid compatibility volume control: technical standards.

(a) An analog telephone complies with the Commission's volume control requirements if the telephone is equipped with a receive volume control that provides, through the receiver in the handset or headset of the telephone, 12 dB of gain minimum and up to 18 dB of gain maximum, when measured in terms of Receive Objective Loudness Rating (ROLR), as defined in paragraph 4.1.2 of ANSI/EIA-470-A-1987 (Telephone Instruments With Loop Signaling). The 12 dB of gain minimum must be achieved without significant clipping of the test signal. The telephone also shall comply with the upper and lower limits for ROLR given in table 4.4 of ANSI/EIA-470-A-1987 when the receive volume control is set to its normal unamplified level.

NOTE TO PARAGRAPH (a): Paragraph 4.1.2 of ANSI/EIA-470-A-1987 identifies several characteristics related to the receive response of a telephone. It is only the normal unamplified ROLR level and the change in ROLR as a function of the volume control setting that are relevant to the specification of volume control as required by this section.

(b) The ROLR of an analog telephone shall be determined over the frequency range from 300 to 3300 HZ for short, average, and long loop conditions represented by 0, 2.7, and 4.6 km of 26 AWG

nonloaded cable, respectively. The specified length of cable will be simulated by a complex impedance. (See Figure A.) The input level to the cable simulator shall be -10 dB with respect to 1 V open circuit from a 900 ohm source.

(c) A digital telephone complies with the Commission's volume control requirements if the telephone is equipped with a receive volume control that provides, through the receiver of the handset or headset of the telephone, 12 dB of gain minimum and up to 18 dB of gain maximum, when measured in terms of Receive Objective Loudness Rating (ROLR), as defined in paragraph 4.3.2 of ANSI/EIA/TIA-579-1991 (Acoustic-To-Digital and Digital-To-Acoustic Transmission Requirements for ISDN Terminals). The 12 dB of gain minimum must be achieved without significant clipping of the test signal. The telephone also shall comply with the limits on the range for ROLR given in paragraph 4.3.2.2 of ANSI/EIA/TIA-579-1991 when the receive volume control is set to its normal unamplified level.

(d) The ROLR of a digital telephone shall be determined over the frequency range from 300 to 3300 Hz using the method described in paragraph 4.3.2.1 of ANSI/EIA/TIA-579-1991. No variation in loop conditions is required for this measurement since the receive level of a digital telephone is independent of loop length.

(e) The ROLR for either an analog or digital telephone shall first be determined with the receive volume control at its normal unamplified level. The minimum volume control setting shall be used for this measurement unless the manufacturer identifies a different setting for the nominal volume level. The ROLR shall then be determined with the receive volume control at its maximum volume setting. Since ROLR is a loudness rating value expressed in dB of loss, more positive values of ROLR represent lower receive levels. Therefore, the ROLR value determined for the maximum volume control setting should be subtracted from that determined for the nominal volume control setting to determine compliance with the gain requirement.

(f) The 18 dB of receive gain may be exceeded provided that the amplified receive capability automatically resets to nominal gain when the telephone is caused to pass through a proper on-hook transition in order to minimize the likelihood of damage to individuals with normal hearing.

(g) These incorporations by reference of paragraph 4.1.2 (including table 4.4) of American National Standards Institute (ANSI) Standard ANSI/EIA-470-A-1987 and paragraph 4.3.2 of ANSI/EIA/TIA-579-1991 were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, 13th Floor, New York, NY 10036, (212) 642-4900. Copies also may be inspected during normal business hours at the following locations: Consumer and Governmental Affairs Bureau, Reference Information Center, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554; and the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

[61 FR 42187, Aug. 14, 1996, as amended at 64 FR 60726, Nov. 8, 1999; 67 FR 13229, Mar. 21, 2002; 69 FR 18803, Apr. 9, 2004]

§ 68.318 Additional limitations.

(a) *General.* Registered terminal equipment for connection to those services discussed below must incorporate the specified features.

(b) *Registered terminal equipment with automatic dialing capability.* (1) Automatic dialing to any individual number is limited to two successive attempts. Automatic dialing equipment which employ means for detecting both busy and reorder signals shall be permitted an additional 13 attempts if a busy or reorder signal is encountered on each attempt. The dialer shall be unable to re-attempt a call to the same number for at least 60 minutes following either the second or fifteenth successive attempt, whichever applies, unless the dialer is reactivated by either manual or

external means. This rule does not apply to manually activated dialers that dial a number once following each activation.

NOTE TO PARAGRAPH (b)(1): Emergency alarm dialers and dialers under external computer control are exempt from these requirements.

(2) If means are employed for detecting both busy and reorder signals, the automatic dialing equipment shall return to its on-hook state within 15 seconds after detection of a busy or reorder signal.

(3) If the called party does not answer, the automatic dialer shall return to the on-hook state within 60 seconds of completion of dialing.

(4) If the called party answers, and the calling equipment does not detect a compatible terminal equipment at the called end, then the automatic dialing equipment shall be limited to one additional call which is answered. The automatic dialing equipment shall comply with paragraphs (b)(1), (b)(2), and (b)(3) of this section for additional call attempts that are not answered.

(5) Sequential dialers shall dial only once to any individual number before proceeding to dial another number.

(6) Network addressing signals shall be transmitted no earlier than:

(i) 70 ms after receipt of dial tone at the network demarcation point; or

(ii) 600 ms after automatically going off-hook (for single line equipment that does not use dial tone detectors); or

(iii) 70 ms after receipt of CO ground start at the network demarcation point.

(c) *Line seizure by automatic telephone dialing systems.* Automatic telephone dialing systems which deliver a recorded message to the called party must release the called party's telephone line within 5 seconds of the time notification is transmitted to the system that the called party has hung up, to allow the called party's line to be used to make or receive other calls.

(d) *Telephone facsimile machines; Identification of the sender of the message.* It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile machine unless such person clearly

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marks, in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. If a facsimile broadcaster demonstrates a high degree of involvement in the sender's facsimile messages, such as supplying the numbers to which a message is sent, that broadcaster's name, under which it is registered to conduct business with the State Corporation Commission (or comparable regulatory authority), must be identified on the facsimile, along with the sender's name. Telephone facsimile machines manufactured on and after December 20, 1992, must clearly mark such identifying information on each transmitted page.

(e) *Requirement that registered equipment allow access to common carriers.* Any equipment or software manufactured or imported on or after April 17, 1992, and installed by any aggregator shall be technologically capable of providing consumers with access to interstate providers of operator services through the use of equal access codes. The terms used in this paragraph shall have meanings defined in § 64.708 of this chapter (47 CFR 64.708).

[62 FR 61691, Nov. 19, 1997, as amended at 68 FR 44179, July 25, 2003]

§ 68.320 Supplier's Declaration of Conformity.

(a) Supplier's Declaration of Conformity is a procedure where the responsible party, as defined in § 68.3, makes measurements or takes other necessary steps to ensure that the terminal equipment complies with the appropriate technical standards.

(b) The Supplier's Declaration of Conformity attaches to all items subsequently marketed by the responsible party which are identical, within the variation that can be expected to arise as a result of quantity production techniques, to the sample tested and found acceptable by the responsible party.

(c) The Supplier's Declaration of Conformity signifies that the responsible party has determined that the

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equipment has been shown to comply with the applicable technical criteria if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated.

(d) The responsible party, if different from the manufacturer, may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical criteria, rely on the manufacturer or independent testing agency to determine compliance. Any records that the Administrative Council for Terminal Attachments requires the responsible party to maintain shall be in the English language and shall be made available to the Commission upon a request.

(e) No person shall use or make reference to a Supplier's Declaration of Conformity in a deceptive or misleading manner or to convey the impression that such a Supplier's Declaration of Conformity reflects more than a determination by the responsible party that the device or product has been shown to be capable of complying with the applicable technical criteria published by the Administrative Council of Terminal Attachments.

[66 FR 7585, Jan. 24, 2001]

§ 68.321 Location of responsible party.

The responsible party for a Supplier's Declaration of Conformity must designate an agent for service of process that is physically located within the United States.

[67 FR 57182, Sept. 9, 2002]

§ 68.322 Changes in name, address, ownership or control of responsible party.

(a) The responsible party for a Supplier's Declaration of Conformity may license or otherwise authorize a second party to manufacture the equipment covered by the Supplier's Declaration of Conformity provided that the responsible party shall continue to be responsible to the Commission for ensuring that the equipment produced pursuant to such an agreement remains compliant with the appropriate standards.

(b) In the case of transactions affecting the responsible party of a Supplier's Declaration of Conformity, such as a transfer of control or sale to another company, mergers, or transfer of manufacturing rights, the successor entity shall become the responsible party.

[66 FR 7586, Jan. 24, 2001]

§ 68.324 Supplier's Declaration of Conformity requirements.

(a) Each responsible party shall include in the Supplier's Declaration of Conformity, the following information:

(1) The identification and a description of the responsible party for the Supplier's Declaration of Conformity and the product, including the model number of the product,

(2) A statement that the terminal equipment conforms with applicable technical requirements, and a reference to the technical requirements,

(3) The date and place of issue of the declaration,

(4) The signature, name and function of person making declaration,

(5) A statement that the handset, if any, complies with § 68.316 of these rules (defining hearing aid compatibility), or that it does not comply with that section. A telephone handset which complies with § 68.316 shall be deemed a "hearing aid-compatible telephone" for purposes of § 68.4.

(6) Any other information required to be included in the Supplier's Declaration of Conformity by the Administrative Council of Terminal Attachments.

(b) If the device that is subject to a Supplier's Declaration of Conformity is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of such device with part 68 rules and/or with technical criteria published by the Administrative Council for Terminal Attachments, then the Model Number(s) of such other equipment must be supplied, and such other equipment must also include a Supplier's Declaration of Conformity or a certification from a Telecommunications Certification Body.

(c) The Supplier's Declaration of Conformity shall be included in the user's manual or as a separate docu-

ment enclosed with the terminal equipment.

(d) If terminal equipment is not subject to a Supplier's Declaration of Conformity, but instead contains protective circuitry that is subject to a Supplier's Declaration of Conformity, then the responsible party for the protective circuitry shall include with each module of such circuitry, a Supplier's Declaration of Conformity containing the information required under § 68.340(a), and the responsible party of such terminal equipment shall include such statement with each unit of the product.

(e) (1) The responsible party for the terminal equipment subject to a Supplier's Declaration of Conformity also shall provide to the purchaser of such terminal equipment, instructions as required by the Administrative Council for Terminal Attachments.

(2) A copy of the Supplier's Declaration of Conformity shall be provided to the Administrative Council for Terminal Attachments along with any other information the Administrative Council for Terminal Attachments requires; this information shall be made available to the public.

(3) The responsible party shall make a copy of the Supplier's Declaration of Conformity freely available to the general public on its company website. The information shall be accessible to the disabled community from the website. If the responsible party does not have a functional and reliable website, then the responsible party shall inform the Administrative Council for Terminal Attachments of such circumstances, and the Administrative Council for Terminal Attachments shall make a copy available on its website.

(f) For a telephone that is not hearing aid-compatible, as defined in § 68.316 of this part, the responsible party also shall provide the following in the Supplier's Declaration of Conformity:

(1) Notice that FCC rules prohibit the use of that handset in certain locations; and

(2) A list of such locations (see § 68.112).

[66 FR 7586, Jan. 24, 2001]

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§ 68.326 Retention of records.

(a) The responsible party for a Supplier's Declaration of Conformity shall maintain records containing the following information:

(1) A copy of the Supplier's Declaration of Conformity;

(2) The identity of the testing facility, including the name, address, phone number and other contact information.

(3) A detailed explanation of the testing procedure utilized to determine whether terminal equipment conforms to the appropriate technical criteria.

(4) A copy of the test results for terminal equipment compliance with the appropriate technical criteria.

(b) For each device subject to the Supplier's Declaration of Conformity requirement, the responsible party shall maintain all records required under § 68.326(a) for at least ten years after the manufacture of said equipment has been permanently discontinued, or until the conclusion of an investigation or a proceeding, if the responsible party is officially notified prior to the expiration of such ten year period that an investigation or any other administrative proceeding involving its equipment has been instituted, whichever is later.

[66 FR 7586, Jan. 24, 2001]

§ 68.346 Description of testing facilities.

(a) Each responsible party for equipment that is subject to a Supplier's Declaration of Conformity under this part, shall compile a description of the measurement facilities employed for testing the equipment. The responsible party for the Supplier's Declaration of Conformity shall retain a description of the measurement facilities.

(b) The description shall contain the information required to be included by the Administrative Council for Terminal Attachments.

[66 FR 7586, Jan. 24, 2001]

§ 68.348 Changes in equipment and circuitry subject to a Supplier's Declaration of Conformity.

(a) No change shall be made in terminal equipment or protective circuitry that would result in any material change in the information con-

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tained in the Supplier's Declaration of Conformity Statement furnished to users.

(b) Any other changes in terminal equipment or protective circuitry which is subject to an effective Supplier's Declaration of Conformity shall be made only by the responsible party or an authorized agent thereof, and the responsible party will remain responsible for the performance of such changes.

[66 FR 7586, Jan. 24, 2001]

§ 68.350 Revocation of Supplier's Declaration of Conformity.

(a) The Commission may revoke any Supplier's Declaration of Conformity for cause in accordance with the provisions of this section or in the event changes in technical standards published by the Administrative Council for Terminal Attachments require the revocation of any outstanding Supplier's Declaration of Conformity in order to achieve the objectives of part 68.

(b) Cause for revocation. In addition to the provisions in § 68.211, the Commission may revoke a Supplier's Declaration of Conformity:

(1) For false statements or representations made in materials or responses submitted to the Commission and/or the Administrative Council for Terminal Attachments, or in records required to be kept by § 68.324 and the Administrative Council for Terminal Attachments.

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements.

(3) If it is determined that changes have been made in the equipment other than those authorized by this part or otherwise expressly authorized by the Commission.

[66 FR 7587, Jan. 24, 2001]

§ 68.354 Numbering and labeling requirements for terminal equipment.

(a) Terminal equipment and protective circuitry that is subject to a Supplier's Declaration of Conformity or that is certified by a Telecommunications Certification Body shall have labels in a place and manner required

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by the Administrative Council for Terminal Attachments.

(b) Terminal equipment labels shall include an identification numbering system in a manner required by the Administrative Council for Terminal Attachments.

(c) If the Administrative Council for Terminal Attachments chooses to continue the practice of utilizing a designated “FCC” number, it shall include in its labeling requirements a warning that the Commission no longer directly approves or registers terminal equipment.

(d) Labeling developed for terminal equipment by the Administrative Council on Terminal Attachments shall contain sufficient information for providers of wireline telecommunications, the Federal Communications Commission, and the U.S. Customs Service to carry out their functions, and for consumers to easily identify the responsible party of their terminal equipment. The numbering and labeling scheme shall be nondiscriminatory, creating no competitive advantage for any entity or segment of the industry.

(e) FCC numbering and labeling requirements existing prior to the effective date of these rules shall remain unchanged until the Administrative Council for Terminal Attachments publishes its numbering and labeling requirements.

[66 FR 7587, Jan. 24, 2001, as amended at 67 FR 57182, Sept. 9, 2002]

Subpart E—Complaint Procedures

§§ 68.400–68.412 [Reserved]

§ 68.414 Hearing aid-compatibility: Enforcement.

Enforcement of §§ 68.4 and 68.112 is hereby delegated to those states which adopt those sections and provide for their enforcement. The procedures followed by a state to enforce those sections shall provide a 30-day period after a complaint is filed, during which time state personnel shall attempt to resolve a dispute on an informal basis. If a state has not adopted or incorporated §§ 68.4 and 68.112, or failed to act within 6 months from the filing of a complaint with the state public utility commission, the Commission will accept such

complaints. A written notification to the complainant that the state believes action is unwarranted is not a failure to act.

[49 FR 1368, Jan. 11, 1984]

§ 68.415 Hearing aid-compatibility and volume control informal complaints.

Persons with complaints under §§ 68.4 and 68.112 that are not addressed by the states pursuant to § 68.414, and all other complaints regarding rules in this part pertaining to hearing aid compatibility and volume control, may bring informal complaints as described in § 68.416 through § 68.420. All responsible parties of terminal equipment are subject to the informal complaint provisions specified in this section.

[66 FR 7587, Jan. 24, 2001]

§ 68.417 Informal complaints; form and content.

(a) An informal complaint alleging a violation of hearing aid compatibility and/or volume control rules in this subpart may be transmitted to the Consumer Information Bureau by any reasonable means, e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, and Braille.

(b) An informal complaint shall include:

(1) The name and address of the complainant;

(2) The name and address of the responsible party, if known, or the manufacturer or provider against whom the complaint is made;

(3) A full description of the terminal equipment about which the complaint is made;

(4) The date or dates on which the complainant purchased, acquired or used the terminal equipment about which the complaint is being made;

(5) A complete statement of the facts, including documentation where available, supporting the complainant’s allegation that the defendant has failed to comply with the requirements of this subpart;

(6) The specific relief or satisfaction sought by the complainant, and

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(7) The complainant's preferred format or method of response to the complaint by the Commission and defendant (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, Braille; or some other method that will best accommodate the complainant's disability).

[66 FR 7587, Jan. 24, 2001]

§ 68.418 Procedure; designation of agents for service.

(a) The Commission shall promptly forward any informal complaint meeting the requirements of § 68.17 to each responsible party named in or determined by the staff to be implicated by the complaint. Such responsible party or parties shall be called on to satisfy or answer the complaint within the time specified by the Commission.

(b) To ensure prompt and effective service of informal complaints filed under this subpart, every responsible party of equipment approved pursuant to this part shall designate and identify one or more agents upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. Such designation shall be provided to the Commission and shall include a name or department designation, business address, telephone number, and, if available, TTY number, facsimile number, and Internet e-mail address. The Commission shall make this information available to the public.

[66 FR 7587, Jan. 24, 2001, as amended at 73 FR 25591, May 7, 2008]

§ 68.419 Answers to informal complaints.

Any responsible party to whom the Commission or the Consumer Information Bureau under this subpart directs an informal complaint shall file an answer within the time specified by the Commission or the Consumer Information Bureau. The answer shall:

(a) Be prepared or formatted in the manner requested by the complainant pursuant to § 68.417, unless otherwise permitted by the Commission or the Consumer Information Bureau for good cause shown;

(b) Describe any actions that the defendant has taken or proposes to take to satisfy the complaint;

(c) Advise the complainant and the Commission or the Consumer Information Bureau of the nature of the defense(s) claimed by the defendant;

(d) Respond specifically to all material allegations of the complaint; and

(e) Provide any other information or materials specified by the Commission or the Consumer Information Bureau as relevant to its consideration of the complaint.

[66 FR 7587, Jan. 24, 2001]

§ 68.420 Review and disposition of informal complaints.

(a) Where it appears from the defendant's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission or the Consumer Information Bureau on delegated authority may, in its discretion, consider the informal complaint closed, without response to the complainant or defendant. In all other cases, the Commission or the Consumer Information Bureau shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information (the nature of which is specified in paragraphs (b) through (d) of this section, shall be transmitted to the complainant and defendant in the manner requested by the complainant, (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, or Braille).

(b) In the event the Commission or the Consumer and Governmental Affairs Bureau determines, based on a review of the information provided in the informal complaint and the defendant's answer thereto, that no further action is required by the Commission or the Consumer and Governmental Affairs Bureau with respect to the allegations contained in the informal complaint, the informal complaint shall be closed and the complainant and defendant shall be duly informed of the reasons therefor. A complainant, unsatisfied with the defendant's response to the informal complaint and the staff decision to terminate action on the informal complaint, may file a complaint with

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the Commission or the Enforcement Bureau as specified in §§68.400 through 68.412.

(c) In the event the Commission or the Consumer Information Bureau on delegated authority determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that a material and substantial question remains as to the defendant's compliance with the requirements of this subpart, the Commission or the Consumer Information Bureau may conduct such further investigation or such further proceedings as may be necessary to determine the defendant's compliance with the requirements of this subpart and to determine what, if any, remedial actions and/or sanctions are warranted.

(d) In the event that the Commission or the Consumer Information Bureau on delegated authority determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that the defendant has failed to comply with or is presently not in compliance with the requirements of this subpart, the Commission or the Consumer Information Bureau on delegated authority may order or prescribe such remedial actions and/or sanctions as are authorized under the Act and the Commission's rules and which are deemed by the Commission or the Consumer Information Bureau on delegated authority to be appropriate under the facts and circumstances of the case.

[66 FR 7588, Jan. 24, 2001, as amended at 67 FR 13229, Mar. 21, 2002]

§ 68.423 Actions by the Commission on its own motion.

The Commission may on its own motion conduct such inquiries and hold such proceedings as it may deem necessary to enforce the requirements of this subpart. The procedures to be followed by the Commission shall, unless specifically prescribed in the Act and the Commission's rules, be such as in the opinion of the Commission will best serve the purposes of such inquiries and proceedings.

[66 FR 7588, Jan. 24, 2001]

Subpart F [Reserved]

Subpart G—Administrative Council for Terminal Attachments

SOURCE: 66 FR 7588, Jan. 24, 2001, unless otherwise noted.

§ 68.602 Sponsor of the Administrative Council for Terminal Attachments.

(a) The Telecommunications Industry Association (TIA) and the Alliance for Telecommunications Industry Solutions (ATIS) jointly shall establish the Administrative Council for Terminal Attachment and shall sponsor the Administrative Council for Terminal Attachments for four years from the effective date of these rules. The division of duties by which this responsibility is executed may be a matter of agreement between these two parties; however, both are jointly and severally responsible for observing these rule provisions. After four years from the effective date of these rules, and thereafter on a quadrennial basis, the Administrative Council for Terminal Attachments may vote by simple majority to be sponsored by any ANSI-accredited organization.

(b) The sponsoring organizations shall ensure that the Administrative Council for Terminal Attachments is populated in a manner consistent with the criteria of American National Standards Institute's Organization Method or the Standards Committee Method (and their successor Method or Methods as ANSI may from time to time establish) for a balanced and open membership.

(c) After the Administrative Council for Terminal Attachments is populated, the sponsors are responsible for fulfilling secretariat positions as determined by the Administrative Council for Terminal Attachments. The Administrative Council shall post on a publicly available web site and make available to the public in hard copy form the written agreement into which it enters with the sponsor or sponsors.

[66 FR 7588, Jan. 24, 2001, as amended at 67 FR 57182, Sept. 9, 2002]

§ 68.604 Requirements for submitting technical criteria.

(a) Any standards development organization that is accredited under the

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American National Standards Institute's Organization Method or the Standards Committee Method (and their successor Method or Methods as ANSI may from time to time establish) may establish technical criteria for terminal equipment pursuant to ANSI consensus decision-making procedures, and it may submit such criteria to the Administrative Council for Terminal Attachments.

(b) Any ANSI-accredited standards development organization that develops standards for submission to the Administrative Council for Terminal Attachments must implement and use procedures for the development of those standards that ensure openness equivalent to the Commission rule-making process.

(c) Any standards development organization that submits standards to the Administrative Council for Terminal Attachments for publication as technical criteria shall certify to the Administrative Council for Terminal Attachments that:

(1) The submitting standards development organization is ANSI-accredited to the Standards Committee Method or the Organization Method (or their successor Methods as amended from time to time by ANSI);

(2) The technical criteria that it proposes for publication do not conflict with any published technical criteria or with any technical criteria submitted and pending for publication, and

(3) The technical criteria that it proposes for publication are limited to preventing harms to the public switched telephone network, identified in § 68.3 of this part.

§ 68.608 Publication of technical criteria.

The Administrative Council for Terminal Attachments shall place technical criteria proposed for publication on public notice for 30 days. At the end of the 30 day public notice period, if there are no oppositions, the Administrative Council for Terminal Attachments shall publish the technical criteria.

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§ 68.610 Database of terminal equipment.

(a) The Administrative Council for Terminal Attachments shall operate and maintain a database of all approved terminal equipment. The database shall meet the requirements of the Federal Communications Commission and the U.S. Customs Service for enforcement purposes. The database shall be accessible by government agencies free of charge. Information in the database shall be readily available and accessible to the public, including individuals with disabilities, at nominal or no costs.

(b) Responsible parties, whether they obtain their approval from a Telecommunications Certification Body or utilize the Supplier's Declaration of Conformity process, shall submit to the database administrator all information required by the Administrative Council for Terminal Attachments.

(c) The Administrative Council for Terminal Attachments shall ensure that the database is created and maintained in an equitable and nondiscriminatory manner. The manner in which the database is created and maintained shall not permit any entity or segment of the industry to gain a competitive advantage.

(d) The Administrative Council for Terminal Attachments shall file with the Commission, within 180 days of publication of these rules in the FEDERAL REGISTER, a detailed report of the structure of the database, including details of how the Administrative Council for Terminal Attachments will administer the database, the pertinent information to be included in the database, procedures for including compliance information in the database, and details regarding how the government and the public will access the information.

§ 68.612 Labels on terminal equipment.

Terminal equipment certified by a Telecommunications Certification Body or approved by the Supplier's Declaration of Conformity under this part shall be labeled. The Administrative Council for Terminal Attachments shall establish appropriate labeling of terminal equipment. Labeling shall meet the requirements of the Federal

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Communications Commission and the U.S. Customs Service for their respective enforcement purposes, and of consumers for purposes of identifying the responsible party and model number.

[67 FR 57182, Sept. 9, 2002]

§ 68.614 Oppositions and appeals.

(a) Oppositions filed in response to the Administrative Council for Terminal Attachments' public notice of technical criteria proposed for publication must be received by the Administrative Council for Terminal Attachments within 30 days of public notice to be considered. Oppositions to proposed technical criteria shall be addressed through the appeals procedures of the authoring standards development organization and of the American National Standards Institute. If these procedures have been exhausted, the aggrieved party shall file its opposition with the Commission for *de novo* review.

(b) As an alternative, oppositions to proposed technical criteria may be filed directly with the Commission for *de novo* review within the 30 day public notice period.

PART 69—ACCESS CHARGES

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