



# PUBLIC NOTICE

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## NOTICE OF NEW DOCKET AND FILING PROCEDURES FOR REQUESTING WAIVER OF WIRELINE TELEPHONE VOLUME CONTROL RESET RULES

### CG Docket No. 18-307

By this Public Notice, the Federal Communications Commission's (FCC's or Commission's) Consumer and Governmental Affairs Bureau (CGB or Bureau) announces a new docket, CG Docket No. 18-307, for filing petitions for waiver of the volume control reset requirements for wireline telephones, in sections 68.317(g) and (h) of the Commission's rules.<sup>1</sup> The filing procedures are given below and will take effect immediately upon publication of this Public Notice in the Federal Register.

*Background.* All terminal equipment connected to the public switched telephone network (PSTN) that is manufactured, or imported for use, in the United States, and all advanced communications services (ACS) telephonic customer premises equipment (CPE) (including telephones used with Voice over Internet Protocol (VoIP) services) that will be manufactured, or imported for use, in the United States on or after February 28, 2020, must conform to applicable requirements of Part 68 of the Commission's rules, including requirements for hearing aid compatibility and volume control.<sup>2</sup>

*Volume Control Rule.* Section 68.317 of the Commission's rules governs the provision of volume control on PSTN telephones and ACS telephonic CPE.<sup>3</sup> Under rule amendments adopted in 2017, PSTN telephones manufactured, or imported for use, in the United States before February 28, 2020, must comply with *either* the volume control standards incorporated in sections 68.317(b)-(g) prior to the 2017 amendments, *or* the revised standard incorporated in section 68.317(h) in 2017.<sup>4</sup> If manufactured, or imported for use, in the United States on or after February 28, 2020, such telephones, as well as ACS telephonic CPE, must comply with the revised volume control standard in section 68.317(h).<sup>5</sup> The pre-2017 volume control standards specified a range of amplification levels based on receive gain as

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<sup>1</sup> 47 CFR § 68.317(g)-(h).

<sup>2</sup> *E.g.*, 47 CFR §§ 68.1, 68.2(a), 68.4, 68.6. "ACS telephonic CPE" is "[c]ustomer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, except for mobile handsets." 47 CFR § 68.3. This includes, but is not limited to, CPE used with wireline VoIP services.

<sup>3</sup> 47 CFR § 68.317.

<sup>4</sup> 47 CFR § 68.317(a)(1).

<sup>5</sup> 47 CFR § 68.317(a)(2).

measured in terms of Receive Objective Loudness Rating (ROLR).<sup>6</sup> The revised volume control standard uses a different unit of measurement called “Conversational Gain.”<sup>7</sup>

*Volume Control Reset Requirements.* Under both the pre-2017 volume control standards and the revised standard, a telephone that allows amplification to reach a level greater than the maximum specified in the applicable standard must automatically reset to a lower level after the telephone is hung up. These requirements are designed to help minimize the likelihood of damage to individuals with normal hearing who may use the telephone after someone else has increased the volume beyond a certain level. Specifically, under the pre-2017 standards, telephones may exceed 18 decibels (dB) of receive gain (when measured in terms of ROLR) provided that the amplification level automatically resets to nominal gain when the telephone is hung up.<sup>8</sup> Under the revised standard, the receive amplification for a wireline telephone can exceed 24 dB Conversational Gain so long as the amplification level automatically resets to no more than 24 dB Conversational Gain after the telephone is hung up.<sup>9</sup>

*Streamlined Waiver Process.* Because some consumers with hearing loss regularly require amplification above the maximum allowed level, the Commission provides a streamlined waiver process for handling requests for waiver of the volume control reset requirement, to allow Part 68 registration of telephones specifically designed to meet such consumers’ needs.<sup>10</sup> Petitioners may use an optional streamlined process to obtain a waiver of the reset requirements of sections 68.317(g) or (h), or both, in accordance with the *Tandy Corporation Waiver Order*.<sup>11</sup> Pursuant to the terms of that order, parties using this process must certify that the equipment for which a waiver is requested complies with the following five safety conditions:

- (1) The volume reset override switch shall be labeled as such and located on the PSTN telephone or ACS telephonic CPE in such a way as to not be accessible to accidental engagement.
- (2) A bright indicator light shall be prominently displayed on the front of the PSTN telephone or ACS telephonic CPE and shall light up when the override is engaged and the telephone is placed in an off-hook condition.
- (3) Next to the light shall be a warning that the amplification is at a high level.
- (4) A caution on the use of the volume reset override switch shall be included in the users’

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<sup>6</sup> ROLR is the “ratio in dB of the voltage entering a loop and telephone to the sound pressure produced by the telephone’s receiver.” *Access to Telecommunications Equipment and Services by Persons with Disabilities; Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations, Report and Order and Order on Reconsideration*, 32 FCC Rcd 9063, 9067 n.24 (2017) (*2017 HAC Order*) (citation omitted).

<sup>7</sup> Conversational gain is “the acoustic output signal from a device relative to the signal level that would be present in a face-to-face conversation at a distance of 1 meter.” *Id.* at 9083 n.154 (citation omitted).

<sup>8</sup> 47 CFR § 68.317(g).

<sup>9</sup> 47 CFR § 68.317(h).

<sup>10</sup> *Tandy Corporation, Walker Equipment Company, Ameriphone, Inc., and Ultratec, Inc., Request for Waiver of Volume Control Reset*, 47 C.F.R. § 68.317(f), NSD-L-00-17 et al., Memorandum Opinion and Order, 16 FCC Rcd 5253, 5257-58, paras. 3-4, 13-15 (CCB 2001) (*Tandy Corporation Waiver Order*).

<sup>11</sup> *Id.* at 5258, para. 15. This order references section 68.317(f) of the Commission’s rules, which originally contained the volume control reset requirement. In the 2017 rule amendment, section 68.317(f) was renamed section 68.317(g), and section 68.317(h) was added to incorporate the revised volume control standard. *2017 HAC Order*, 32 FCC Rcd at 9094, App. B. Waivers of both provisions may be needed for a telephone model that is manufactured or imported both before and after February 28, 2020. For telephones that will be manufactured or imported before that date, parties seeking waivers under the streamlined process should specify whether they are requesting waiver of section 68.317(g), section 68.317(h), or both; and whether the telephones will be connected to the PSTN, or are ACS telephonic CPE, or both.

manual.

(5) The PSTN telephone or ACS telephonic CPE shall include a warning printed in Braille that can be securely attached to the back of the handset, or, if the equipment has only a headset, above the dial buttons, to indicate that a high-volume setting may be engaged.<sup>12</sup>

The waiver request also must be signed by a company representative or officer responsible for its truthfulness.<sup>13</sup> If granted a waiver of the applicable volume control reset provision, the petitioner may then request certification of its telephone device by a Telecommunications Certification Body (TCB) or submit a Supplier's Declaration of Conformity (SDoC).<sup>14</sup>

*Electronic Filers.* We strongly encourage all parties filing petitions for waiver of the reset requirements of sections 68.317(g) or (h), regardless of whether they use the streamlined process, to electronically file their petitions. If confidential treatment is requested for a portion of a filing, only the public, redacted version should be electronically filed. The procedure for seeking confidential treatment is discussed below. Electronic filers must use the Commission's Electronic Comment Filing System (ECFS) at <https://www.fcc.gov/ecfs/filings/>, and specify the proceeding as 18-307 (corresponding to CG Docket No. 18-307). A copy of the waiver request shall be e-mailed to [HACVolumeControlResetWaivers@fcc.gov](mailto:HACVolumeControlResetWaivers@fcc.gov).

*Paper Filers.* Parties who choose to submit by paper must submit an original and four copies of each filing. All filings must refer to CG Docket No. 18-307, and must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. To expedite the processing of the petitions, parties submitting by paper are encouraged to send a copy of the request by e-mail to [HACvolumecontrolresetwaivers@fcc.gov](mailto:HACvolumecontrolresetwaivers@fcc.gov).

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

More information about paper filings is online at <https://www.fcc.gov/reports-research/guides/how-file-paper-documents-fcc>.

*Confidential Treatment.* If the petitioner needs to request confidential treatment for any of the information contained in or submitted in support of the petition, the petitioner must comply with section 0.459 of the Commission's rules.<sup>15</sup> A petitioner seeking such treatment for any such information must submit two separate filings: (1) a written request for confidential treatment that is attached to a complete, unredacted submission; and (2) a public version that redacts any claimed confidential information.<sup>16</sup> The request for confidential treatment with the unredacted submission must not be filed via ECFS; it must be

<sup>12</sup> See *Tandy Corporation Waiver Order*, 16 FCC Rcd at 5258, para. 17.

<sup>13</sup> *Id.* at 5258, para. 15.

<sup>14</sup> These alternative processes are used to demonstrate compliance with Part 68. See 47 CFR § 68.201.

<sup>15</sup> 47 CFR § 0.459.

<sup>16</sup> *Id.*

filed on paper. The request for confidential treatment and its attachments should say “**CONFIDENTIAL, NOT FOR PUBLIC INSPECTION**” at the top right of each page. The public version—with the confidential information redacted—may be filed via ECFS or on paper. The petitioner should send a notice of the filing via e-mail to [HACvolumecontrolresetwaivers@fcc.gov](mailto:HACvolumecontrolresetwaivers@fcc.gov).

*Accessible Formats.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call CGB at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

*For Further Information.* Contact Susan Bahr, Disability Rights Office, CGB, [Susan.Bahr@fcc.gov](mailto:Susan.Bahr@fcc.gov), or 202-418-0573.

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