

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Subpart D of)	CC Docket No. 96-28
Part 68 of the FCC's Rules)	RM - 8621
and Regulations)	

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REPLY COMMENTS

The Telecommunications Industry Association ("TIA") User Premises Equipment Division ("UPED") hereby submits these Reply Comments to the Comments filed in response to the FCC's Notice of Proposed Rulemaking in the matter of Amendment of Part 68 of the Commission's Rules ("NPRM"), released February 29, 1996, FCC 96-39. This NPRM is in response to the TIA Petition for Rulemaking ("Petition") to amend Subpart D of Part 68, 47 CFR §§68.300 - 68.318, and portions of 47 CFR §68.2 in order to harmonize Subpart D with the corresponding Sections of the Canadian certification regulations CS-03. The record overwhelmingly supports the TIA and FCC proposals to amend Part 68 to harmonize with Canada's CS-03. This will further the goals of the North American Free Trade Agreement so long as a method to keep these technical regulations synchronized is developed and implemented.

The record overwhelmingly supports the proposed new rules.

The parties that filed Comments included manufacturers and local exchange carriers.¹ In review of these Comments, TIA has found unanimous support in favor of the action recommended by the Petition. For example, in its Comments on the NPRM, Ameritech states that it “strongly supports the proposed rules as an example of how government and industry can achieve agreement without the need for additional regulation. The overwhelming support given this project by industry and government alike is testimony to the power of industry fora.”² Sprint, in its Comments, supported the NPRM and stated that it “believes that adoption of the proposed rules will reduce differences in standards and testing between the U. S. and Canada”³ Further, the Comments filed urge the Commission to move expeditiously to final rulemaking. As Lucent Technologies states, “Commercial and regulatory advantages can be obtained if the network protection standards of the United States and Canada are harmonized. The rule changes proposed in this docket are, in general, a reasonable compromise between the two sets of standards; they were developed and negotiated through four years of technical effort by affected industry members, and they deserve the support of all parties.”⁴

¹ Comments from Ameritech; Lucent Technologies Inc. (“Lucent Technologies”); New England Telephone and Telegraph Company and New York Telephone Company (“NYNEX”); and Sprint Local Telephone Companies (“Sprint”).

² Ameritech Comments dated April 1, 1996, page 1.

³ Sprint Comments dated April 1, 1996, pages 1 and 2.

⁴ Lucent Technology Comments dated April 1, 1996, page 2.

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The final rules require a rule section to grandfather existing registrations.

However, in any final rules the Commission does adopt in response to this proposal, it is imperative, as Lucent Technologies states⁵ and as TIA raised in its opening comments⁶, that the grandfather clause for current registrations be included in the final rules. Language to accomplish this was included in the original TIA Petition but this section was not included in the FCC's NPRM rule proposal.

TIA supports greater reference to voluntary industry standards in FCC rules, but this review should take place in a new NPRM and not delay the current proposal.

In its support of the NPRM, NYNEX also discusses simplification of the Part 68 rules. NYNEX states that "Instead of specifying the technical interfaces and requirements for terminal equipment in the rules, the Commission should simply adopt a rule that requires manufactures of such equipment to comply with the technical requirements and technical recommendations developed by appropriate industry standards bodies under the Commission's auspices" ⁷ TIA supports this concept and feels that instead of specifying interfaces and requirements, the Commission should adopt a rule that requires manufacturers to comply with requirements of technical recommendations developed by appropriate industry

⁵ Lucent Technologies Comments, dated April 1, 1996, pages 2 - 4.

⁶ TIA Comments, dated April 1, 1996, pages 2 and 3.

⁷ NYNEX Comments, dated April 1, 1996, page 3.

standards-developing bodies. TIA believes that this issue merits further discussion and recommends that the Commission pursue this issue in a separate NPRM.

Further, this approach would be consistent with recent Congressional policy since the Congress recently urged Federal agencies and departments to rely more on industry standards. This NYNEX recommendation is supported by Public Law 104-113, the National Technology Transfer and Advancement Act of 1995 ("PL 104-113"), which states:

Section 12 . . .

(d) UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES; REPORTS.--

(1) IN GENERAL.--except as provided in paragraph (3) of this subsection, all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

(2) CONSULTATION; PARTICIPATION.--In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental mission, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.

(3) EXCEPTION.--If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanations received in the preceding year under this paragraph.

(4) DEFINITION OF TECHNICAL STANDARDS.--As used in this subsection, the term "technical standards" means performance-based or design-specific technical specifications and related management systems practices.⁸

The Congressional Record, February 27, 1996, page H 1265, discussing the Senate amendments to HR 2196, states that Section 12, "Restates original language in the bill clarifying OMB Circular A-119, which directs federal agencies to use, to the extent practicable, technical standards that are developed or adopted by voluntary, private-sector, industry-led standards organizations." Thus, NYNEX's suggestion is consistent with current Congressional direction.

CONCLUSION

This rulemaking would introduce similar technical requirements for registration and certification of terminal equipment in Canada and the United States and set the stage for further work under the North American Free Trade Agreement ("NAFTA") and activities implementing the Summit of the Americas throughout this hemisphere. In light of the unanimous support expressed by the commenting parties for this TIA Petition, and given the fact that TIA's processes have already enabled extensive public input to the proposed changes and noting that there are no new issues or issues of controversy on the record, TIA requests that the

⁸ Public Law 104-113, the National Technology Transfer and Advancement Act of 1995, Section 12.

Commission expeditiously proceed to amend its rules in accordance with the
Comments and Reply Comments of TIA.

Respectfully submitted,

Telecommunications Industry Association
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By:  _____

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April 16, 1996

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CERTIFICATE OF SERVICE

I, Stephaine F. Jones, do hereby certify that Telecommunications Industry Association's Reply Comments in Docket 96-28 has been served this the 16th day of April, 1996 by United States Postal Service to the companies on the attached list.


Stephaine F. Jones

April 16, 1996

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