

Before the
**Federal Communications
Commission**

Washington, DC 20554

In the Matter of

Biennial Review of Part 68 of the Commission's
Rules and Regulations,

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CC Docket No. 99-216

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Comments of the Information Technology Industry Council

**In the matter of Biennial Review of Part 68 of the Commission's Rules and
Regulations, CC Docket No. 99-216**

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In Order to Implement Supplier's Declaration

Executive Summary

The Information Technology Industry Council (ITI)¹ strongly supports the FCC's proposed streamlining of the Part 68 regulations on telephone terminal equipment. We believe the review of these rules provides an excellent opportunity to facilitate entry of the latest information technology and telecommunications equipment into the competitive market. Significant streamlining of regulations which will reduce product costs while continuing to provide customers and other interested parties with a simple method to determine that a product complies with FCC requirements and be able to locate a responsible party in the rare instance a product causes interference or other problems.

1. Standards

ITI supports the FCC's proposal to privatize technical standard setting for Part 68. ITI endorses the proposed Option A. Standard setting should occur under the leadership of a single gatekeeper, preferably an ANSI-accredited U.S. standards developing organization. Privatization will enable standards to keep up with technology better than current FCC formal rule making processes. Reliance on a single gatekeeper, as opposed to multiple Standard Development Organizations (SDOs), will ensure there is a single national standard, rather than multiple conflicting standards.

¹ ITI represents the leading U.S. providers of information technology products and services. ITI member companies employ more than 1.3 million people in the United States and exceeded \$633 billion in worldwide revenues in 1999. These companies are responsible for more than 15% of all U.S. industrially funded research and development and more than half of all information technology research and engineering.

2. Equipment Approval

ITI supports an equipment approval process that is a hybrid of the FCC's Declaration of Conformity and Verification procedures. Equipment approval should be based on supplier's declaration of conformity, (SDoC) based on testing in a laboratory of the supplier's choosing.

Pre-market approval of equipment, as required in the FCC's current rules and in the proposed option to rely on private Telecommunications Certification Bodies (TCBs) adds a minimum delay of days to weeks to the approval process before equipment can enter the market. In keeping with the FCC's statutory mission to enhance the competitiveness of U.S. industry, and in the absence of evidence of significant non-compliance with the FCC's requirements, ITI believes the FCC should accept a supplier's declaration, thereby avoiding these delays and costs associated with mandatory third-party certification. The FCC's own experiences with the Verification and Declaration of Conformity options for Part 15 compliance demonstrate the success of these streamlined regulatory practices.

ITI has proposed detailed rule changes, in an attachment to these comments, to implement this change. In our proposed rules, we refer to this new approval process as "Supplier's Declaration." These are the same rules we proposed in our Supplemental Comments of August 6, 1999, following the FCC's public fora in July 2000.

Under ITI's proposal, suppliers would be required to test their equipment (or at their option, have it tested by an independent laboratory); maintain information about the results of testing; formally declare the compliance of their equipment by means of an SDoC; and label the equipment with an FCC label. This is consistent with FCC's "Declaration of Conformity" procedure, but without the requirement to use an accredited laboratory.

3. Labeling, Numbering, and Registration Database

The Supplier's Declaration identifies the party responsible for compliance, and thus provides accountability for the equipment's compliance with the rules. Under an SDoC regulatory regime, such as the FCC's current Declaration of Conformity procedure for Part 15 compliance, there is no registration number on the label; instead, equipment is traced back to the responsible party by examining the supplier's declaration statement, or simply contacting the supplier. Under ITI's proposed rules, the label would bear the product's model number, which is sufficient to enable interested parties to obtain from the supplier whatever information is needed.

The FCC should transfer its database of Part 68 registration information to the private sector. ITI believes that private industry is developing databases on a voluntary basis that would meet carriers and consumers' requirements for information about product compliance. The FCC should select a database provider who offers a flexible, scalable service that can be used for additional purposes that would facilitate global market access and enhance the competitiveness of U.S. industry, such as recording compliance with regulations in markets other than the United States.

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I. Introduction

The Information Technology Industry Council (ITI) is pleased to participate in the Federal Communications Commission's review of its equipment registration and telephone network connection rules, 47 C.F.R. Part 68. ITI strongly supports the FCC's proposed streamlining of the Part 68 regulations on telephone terminal equipment. We believe the review of these rules provides an excellent opportunity to facilitate entry of the latest information technology and telecommunications equipment into the competitive market through significant streamlining of regulations.

ITI members produce leading technologies embodied in equipment that is subject to these regulations, including telephones, fax machines, modems, and computer networking equipment, among others. The pace of innovation in information technology is very rapid, and the commercial life cycle of the equipment--the time before it is replaced in the market by newer technologies--grows ever shorter. In today's telecommunications networks, potential harm to the network does not occur with any significant frequency. Therefore, the delays caused by the Part 68 Registration process and by the slow pace of rule making in updating the technical standards have a significant impact on manufacturers and on customers. The steps proposed by the FCC to reduce or eliminate these delays will increase the competitiveness of the information technology industry by reducing costs and regulatory burdens and provide great value to our customers.

II. Regulatory Paradigm for Establishing Technical Criteria

As we stated in the FCC's public fora in July 1999, ITI believes that the FCC should retain its role as final authority in protecting the public telecommunications network from harm. This role requires the FCC to set minimum requirements that equipment not harm the network. ITI agrees with the tentative conclusion in Paragraph 16 of the NPRM, that all four general types of network harm that Part 68 was established to prevent remain valid. These include (1) electrical hazards to telephone company personnel; (2) damage to telephone company equipment; (3) malfunction of billing equipment; and (4) degradation of service to other network users.

In today's telecommunications networks, none of these potential harms occurs with any significant frequency, a fact which attests to the success of Part 68 and the wisdom of further streamlining. Nevertheless, to ensure there are appropriate penalties in the rare circumstances where harm to the network occurs, it is important for the FCC to retain legal authority to enforce these requirements, while privatizing the development of the detailed technical standards for implementing these general requirements.

ITI agrees with the FCC's tentative conclusions in Paragraphs 25, 30, and 32. Reliance on private sector standards setting does not relinquish the FCC's policy making authority, because the FCC would retain final authority to set policy and judge disputes. The proposed balance of government and private sector roles is appropriate to achieve the worthwhile goals for this rule making, expressed in Paragraph 30. Particularly important is the ability of private standards setting to reflect advances in technology more rapidly than the formal Federal rule-making process. We agree with the FCC's conclusion that these goals should not include network quality, performance, or interoperability issues, which are addressed more appropriately by competitive market forces.

Proposed options for standard setting:

Among the proposed options for privatizing technical standards setting, ITI endorses Option A. Standard setting should occur under the leadership of a single gatekeeper and this organization should follow American National Standards Institute procedures for openness, consensus, and due process. Preferably, an ANSI-accredited U.S. standards developing organization could fulfill this function. The ANSI requirements for openness would prevent any single gatekeeper from excluding other materially interested parties, including other standards developers.

ITI agrees with the FCC's conclusion in Paragraph 37 that FCC staff could continue to participate in the activities of private standards developers in order to monitor and provide technical input as

necessary. ITI notes that this kind of Federal participation in private standards development is specifically endorsed by the National Technology Transfer and Advancement Act of 1995 (P.L. 104-113) and by the Office of Management and Budget Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities."

ITI opposes Option B, the use of multiple standards developers. Reliance on a single gatekeeper, as opposed to multiple standards developers, will ensure there is a single national standard for network connection applicable to each kind of terminal equipment. ITI agrees with the FCC's observation in Paragraph 55 that use of multiple standards developers could lead to conflicting, multiple standards. Avoiding conflicts among standards is very important to equipment manufacturers and their customers, because the presence of conflicting, multiple standards adds complexity, confusion, and cost to the design and development of products. This is particularly true where, as here, where compliant equipment will often be integrated with other compliant equipment to create different stand alone devices.

In the longer term, having unified national standards will facilitate the eventual creation of international standards that are harmonized with U.S. standards, to the extent possible.¹

ITI also opposes Option C, the use of formal rulemaking to make references to private sector standards in the Code of Federal Regulations. This option would introduce an unnecessary and lengthy delay whenever technological advances create a need to update the network connection standards. Under this option, after the private sector updated the technical standard, there would be an unnecessary, subsequent delay to initiate and conduct a Federal rule making. The delay for formal rule making would not necessarily provide any meaningful new opportunities for notice, comment, openness, and consensus, because the ANSI accredited standards processes used by standards developers already require these attributes. In particular, ANSI's procedural requirements already provide for open forums which may include participation from consumer groups, government agencies, and small businesses.

III. Regulatory Paradigm for Equipment Approval

ITI agrees with the FCC's conclusions in Paragraph 63 that testing of equipment continues to be necessary, but that the FCC no longer needs to be directly engaged in this testing and approval process.

¹ Contrary to the statement in Paragraph 42, ITI does not endorse U.S. adoption of any particular international standards for network connection at this time.

To reduce delays in market access, speed the availability of technology to consumers and other users of telecommunications services, and reduce costs of equipment, ITI recommends streamlining the Registration procedures for equipment authorization. Specifically, ITI recommends that the Commission adopt new rules, which could be incorporated in Part 2, Subpart L, for approval of telephone terminal equipment using the supplier's self-declaration of conformity in lieu of formal Commission or other third-party review and approval prior to marketing of telephone terminal equipment and/or protective circuitry.

In the attached specific rules recommendations, ITI details a new approach that combines features of the Verification and Declaration of Conformity (FCC DoC) procedures in 47 C.F.R. Part 2, Subpart J (which applies to testing of digital devices for conformity with limits on radio frequency emissions). This new authorization procedure, which we have referred to as "Supplier's Declaration," would require the responsible party to make measurements or take other necessary steps to ensure that telephone terminal equipment complies with the required technical standards. The responsible party would maintain appropriate documentation associated with products to ensure accountability for equipment attached to public networks. Specifically, as described in the draft rules attached hereto, ITI supports a requirement that equipment be accompanied by a formal Supplier's Declaration Statement identifying a party who is responsible for the product's compliance with the regulations.

The chief advantage of this proposal, in comparison to the Telecommunications Certification Bodies option, is to eliminate complexity, costs, and delays associated with pre-market approval. The TCB option would not eliminate the pre-market approval that the FCC currently conducts, instead, it would merely shift the performance of this approval from the Commission to private certifiers. Whether or not TCBs could perform approvals faster than the Commission, any pre-market certification process would entail a minimum delay of days to weeks before equipment can enter the market.

Therefore, in keeping with the FCC's statutory mission to enhance the competitiveness of U.S. industry, and in the absence of evidence of significant non-compliance with the FCC's requirements, ITI believes the FCC should end the Registration requirement of pre-market approval and instead, require that equipment be marketed on the basis of a valid supplier's declaration. ITI has observed that the FCC's own experiences with the Verification and Declaration of Conformity options for Part 15 compliance demonstrate the success of these streamlined regulatory practices.

Voluntary, not mandatory, laboratory accreditation:

The chief difference between ITI's proposed rules and the Declaration of Conformity procedure, and the key reason ITI does not endorse the Declaration of Conformity option, is the requirement in the Declaration of Conformity procedures that testing be done only in accredited laboratories whose

accreditation is recognized, in one of several ways, by the Commission. By contrast, the Verification rules have no such requirement.

ITT's proposed rules are based principally on the Declaration of Conformity procedure, but they do not include any *a priori* requirement that testing be performed in an accredited laboratory. Of course, it is essential that equipment be tested competently; however, it is unnecessary and undesirable for the Commission to regulate laboratory accreditation, for several reasons:

(1) Such a regulation would not add to the protection of the network, because suppliers already have strong incentives to use competent facilities for their testing. The demands of the marketplace for quality products and the Commission's ability to enforce penalties for lack of compliance provide manufacturers with every incentive to choose competent facilities to perform testing. Many manufacturers already choose accredited facilities, including their own laboratories and independent laboratories, for their Part 68 testing.

(2) Mandatory accreditation of testing facilities would be a change from current practice in Part 68 testing, which we observe has matured and proceeded smoothly for many years without a regulatory requirement of accreditation. An accreditation mandate would subject many competent laboratories with years of experience in Part 68 testing, including manufacturer's laboratories, to the expense and delay of obtaining an accreditation.

(3) Mandatory accreditation would obstruct international trade by forcing companies with global manufacturing operations to perform redundant re-testing in facilities recognized by the Commission. Currently, there is no worldwide agreement for mutual acceptance of laboratory testing. This barrier can be overcome in part through mutual recognition arrangements between the U.S. and other countries, but negotiating and implementing these arrangements takes significant time and resources from both government and industry and may not be completed for many years. In fact, to date the U.S. has only two operational mutual recognition agreements for telecommunications testing, one with Taiwan and another with Canada and Mexico under the NAFTA Agreement, although others are anticipated.

(4) ITT's proposal would bring the Commission's procedures in line with international norms based on the internationally defined procedure known as Supplier's Declaration. This is defined by the International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) Guide 2 as a "procedure by which a supplier gives written assurance that a product, process or service conforms to specified requirements." In the internationally agreed definition of Supplier's Declaration, there is no requirement for use of an accredited laboratory. Both the European Union

and Australia, which permit supplier's declaration of conformity to telecommunications regulations for the equipment covered in Part 68, testing in an accredited laboratory is at the supplier's option.

IV. Labeling, Numbering, and Database Issues

ITI agrees that there should only be one FCC label per product, and therefore, the labeling requirements for Part 15 and Part 68 compliance should be combined. However, the FCC's proposal in Paragraph 83 to combine the labeling and numbering schemes for Part 15 and Part 68 overlooks the fact that equipment that meets the Part 15 requirements by means of Verification or Declaration of Conformity does not receive an FCC identification number.

We disagree with the FCC's tentative conclusion in Paragraph 81 that a unique FCC identification number is necessary for all equipment. What is necessary, instead, is that customers and other interested parties be able to determine from the product's label that it complies with FCC requirements; and that they be able to locate a responsible party if the product causes interference or other problems. The current Declaration of Conformity rules for Part 15 compliance meet these needs by means of a product label (with no unique identifying number) and a statement in the product manual. The requirements for a label and a compliance statement are repeated in our attached, proposed new Supplier's Declaration rules.

We propose combining the Part 15 and Part 68 labels into one label that includes the FCC logo, the product model number, and (for terminal equipment only) the ringer equivalence number. The label on equipment that is subject to the Certification procedure for Part 15 compliance would also bear the FCC Identifier required under those rules, but equipment such as personal computers would not require a unique FCC identifier either for Part 15 or Part 68 compliance. Traceability of the product back to the responsible party would be provided by the Supplier's Declaration Statement included with the product (e.g., in the user manual) just as currently is the case for equipment subject to the Declaration of Conformity process for Part 15.

Privatization of the Registration database:

ITI agrees with the FCC's proposal in Paragraph 76 that the FCC stop maintaining a database of registered equipment and to transfer its present database to the private sector. The FCC should rely on the private sector to develop approaches to information dissemination that meet the needs of all stakeholders as efficiently and flexibly as possible.

ITI believes the private sector is developing useful databases in response to these needs. For example, a database consisting of the Supplier's Declaration statements that ITI describes in our attached rules would undoubtedly be useful to customers and other interested parties in ascertaining the compliance of terminal equipment and following up on any complaints that should arise. This would be particularly valuable in the case of products that are marketed globally, as is currently the case for most telecommunications and information technology products. Today, manufacturers must provide product compliance information to each country upon demand by the local authority, customer or the public. This requires dedicated product regulatory support tailored to multiple, local needs, through a complex, fragmented mix of company specialists, contracted representatives, and third-party certification bodies. The administrative complexity creates significant market entry delays and barriers to international trade.

A global database of compliance information would serve to facilitate trade, enhance the competitiveness of U.S. industry, and reduce the cost and burden for manufacturers, customers, and regulators. Accordingly, ITI recommends that in selecting an entity to maintain the database and collect information about future products, the FCC should apply the following criteria:

- The database must have, or be scaleable to achieve, worldwide coverage and must be designed to serve the needs of multiple, relevant governmental enforcement agencies, manufacturers, customers, and the public.
- The database must be accurate and readily available (e.g., via the World Wide Web).
- The database must be able to retrieve information based on the product make and model number. It must not depend upon additional product identification numbers for its operation, although such numbers (e.g., the Part 15 Certification identifier) could be part of the information that is stored in the database.
- The public and governmental enforcement agencies must have free or low-cost access to the database.
- To maintain the database, companies should be charged a reasonable cost to provide product information into the database.

Conclusions

ITI strongly supports the FCC's proposed streamlining of the Part 68 regulations on telephone terminal equipment. Standard setting should occur under the leadership of a single gatekeeper, preferably an ANSI-accredited U.S. standards developing organization. This will enable standard setting to keep up with technology better than current FCC formal rule making processes.

Equipment approval should be based on regulations that are consistent with the international model of supplier's declaration of conformity, in which suppliers would be accountable for testing and confirming the compliance of their products with FCC requirements. The labeling requirements, supplier's declaration statements, and privatized database should be designed to accommodate the global nature of telecommunications and information technology manufacturing and should serve the needs of all stakeholders for accountability and global information dissemination.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Rhett Dawson', with a stylized, cursive-like script.

Rhett Dawson, President
Information Technology Industry Council

June 23, 2000

Attachment

Comments of the Information Technology Industry Council

In the matter of Biennial Review of Part 68 of the Commission's Rules and Regulations, CC Docket No. 99-216

Attachment

**Proposed Amendments to 47 C.F.R. Part 2 Subpart L and Other Sections
In Order to Implement Supplier's Declaration**

Part 2 Subpart L:

Amend the title of Subpart L to read:

Subpart L - Registration and Supplier's Declaration for Telephone Terminal Equipment

Add the following new sections to Subpart L:

2.1310 Supplier's Declaration. -

(a) Supplier's Declaration is a procedure where the responsible party, as defined in §2.1311, makes measurements or takes other necessary steps to ensure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested pursuant to §2.1317.

(b) The Supplier's Declaration 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 signifies that the responsible party, as defined in §2.1311, has determined that the equipment has been shown to comply with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the responsible party with respect to matters not encompassed by the Commission's rules.

(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 standards, rely on the manufacturer or independent testing agency to determine compliance. However, the test records which the responsible party is required to maintain by §2.1315 shall be in the English language and shall be made available to the Commission upon a reasonable request in accordance with the provisions of §2.1317.

(e) The general provisions of this Subpart L shall apply to Supplier's Declarations for telephone terminal equipment pursuant to Part 68 of this chapter. For purposes of this Subpart L, the following definitions shall apply: (i) "Supplier-declared protective circuitry" shall mean separate, identifiable and discrete electrical circuitry designed to protect the telephone network from harm, which is the subject of a Supplier's Declaration in accordance with the rules and regulations in Subpart L of Part 2; and (ii) "Supplier-declared terminal equipment" shall mean terminal equipment which is the subject of a Supplier's Declaration in accordance with the rules and regulations in Subpart L of Part 2.

(f) No person shall, in any advertising matter, brochure, etc., use or make reference to a Supplier's Declaration in a deceptive or misleading manner or convey the impression that such a Supplier's Declaration 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 standards of the Commission's rules.

§2.1311 Responsible party. - The following parties are responsible for the compliance with the applicable standards of terminal equipment or protective circuitry intended for connection directly to the public switched telephone network:

- (1) The manufacturer of the terminal equipment;
- (2) The manufacturer of protective circuitry which is marketed for use with terminal equipment that is not to be connected directly to the network;
- (3) If the equipment is imported, the importer.
- (4) 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.

§2.1312 Changes in name, address, ownership or control of responsible party.

(a) The responsible party for a Supplier's Declaration may license or otherwise authorize a second party to manufacture the equipment covered by the Supplier's Declaration 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, 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.

§2.1313 Equipment defect and/or design change. - When a complaint is filed with the Commission concerning the failure of equipment subject to Part 68 to comply with pertinent requirements of the Commission's rules, and the Commission determines that the complaint is justified and arises out of an equipment fault attributable to the responsible party, the Commission may require the responsible party to investigate such complaint and report the results of such investigation to the Commission. The report shall also indicate what action if any has been taken or is proposed to be taken by the responsible party to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers and distributors.

§2.1314 Supplier's Declaration requirements.

Each responsible party shall maintain for each device subject to a Supplier's Declaration, the following information:

- (a) Identification, technical description and purpose of the equipment for which Supplier's Declaration is sought.
- (b) The means, if any, employed to limit signal power into the interface.

(c)¹ A description of all circuitry employed in assuring compliance with Part 68 including the following:

(1) Specifications, including voltage or current ratings of all circuit elements, whether active or passive, in that part of the equipment or circuitry which ensures compliance with Subpart D of Part 68.

(2) A circuit diagram containing the complete circuit of that part of the equipment or circuitry which ensures compliance with Subpart D of Part 68. If this portion of the device is subject to factory or field adjustment by the responsible party or an agent thereof, instructions for such adjustments shall be included. In addition, if the equipment or circuitry is designed to operate from power supplied by electric utility lines, the circuit diagram shall also include that portion of the device, connected to such lines, including the power supply to the internal circuitry, and whatever means are employed to isolate such utility lines from the internal circuitry.

(3) If a service manual is submitted, and any of these items are covered therein, it will be sufficient to list the pages in the manual on which the information specified in the item(s) appears.

(d) A statement that the terminal equipment or protective circuitry complies with and will continue to comply with the rules and regulations in Subpart D of this part. The Common Carrier Bureau² will publish a Supplier's Declaration Application Guide referencing acceptable test procedures; but other test methods may be employed provided they are fully described in the record of measurements made and are found acceptable by the Commission.

(1) The record of the measurements made on an appropriate test site that demonstrates compliance with the applicable regulations in this chapter shall, at a minimum:

- (i) Indicate the actual date all testing was performed;
- (ii) State the name of the test laboratory, company, or individual performing the testing. The Commission may request additional information regarding the test site, the test equipment or the qualifications of the company or individual performing the compliance tests;
- (iii) Contain a description of how the device was actually tested, identifying the measurement procedure and test equipment that was used;
- (iv) Contain a description of the equipment under test (EUT) and any support equipment connected to, or installed within, the EUT;
- (v) Identify the EUT and support equipment by model number;

¹ Editorial note: To the extent that the FCC determines as a result of the currently contemplated rule making to modify or delete any of the technical requirements currently imposed on registered equipment, as set forth in Subpart D of Part 68, the technical requirements included in this Section would also be modified accordingly. Inclusion of these technical requirements in the present Supplemental Comments is not intended by ITI to suggest that these technical requirements should survive such a review and revision of the Part 68 rules.

² ITI has recommended in these Comments that the technical requirements, including test procedures, should be developed by a gatekeeper standards development organizations rather than the Common Carrier Bureau. Publication of a Supplier's Declaration Application Guide referencing acceptable test procedures could become part of the responsibilities of whatever organization develops the technical requirements.

(vii) Reference the Measurement Facility data required under §2.1318;

(viii) List all modifications, if any, made to the EUT by the testing company or individual to achieve compliance with the regulations in this chapter;

(ix) Contain, on the test report, the signature of the individual responsible for testing the product along with the name and signature of an official of the responsible party, as designated in §2.1311.

(e) A photograph, sample or drawing of the equipment label showing the information to be placed thereon.

(f) Photographs of the equipment of sufficient clarity to reveal equipment construction and layout and labels for controls, with sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in service manual or instruction manual included with the application, additional photographs are required only to complete the required showing.

(g) If the device covered by the application is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of the device covered by the Supplier's Declaration with Subpart D of Part 68, then such other equipment must also include a Supplier's Declaration, and the Model Number(s) of such other equipment must be supplied.

(h)³ Electrically transparent adapters, extension cords, line-transfer switches and cross-connect panels do not require a Supplier's Declaration provided they meet the requirements of §68.304(a) and the temperature-humidity requirements of §68.302(b). Descriptive installation procedures for cross-connect panels (where used) must be provided in equipment Supplier's Declaration compliance information. Additional requirements include:

(1) An extension cord must consist of a male connector and a female connector and wiring between them which is no longer than 7.6 meters (25 feet).

(2) Transfer switches must be manually operated, not use relays, and be wired in balanced tip and ring configurations. Switch wiring must be "fully protected" wiring, no longer than 7.6 meters (25 feet).

(i)⁴ 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.

(j) Any application for equipment authorization of a cordless telephone or any other device operating under the provisions of Part 15 of this chapter which is also subject to Supplier's Declaration under the provisions of Part 68 shall be accompanied by a statement indicating that the device contains appropriate provision for protection of the public switched telephone network, pursuant to the requirements in §15.214.

³ See note 1, above.

⁴ See note 1, above.

§2.1315 Retention of records. For each equipment subject to the Supplier's Declaration requirement, the responsible party shall maintain the records required under §2.1314 for at least two 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 two year period that an investigation or any other administrative proceeding involving its equipment has been instituted, whichever is later.

2.1316 Compliance Information.

(a) The responsible party for a Supplier's Declaration shall supply a Supplier's Declaration Statement with the product at the time of marketing or importation, containing the following information:

- (1) Identification of the product by model number;
- (2) A statement that the product complies with Part 68 of the FCC's Rules;

and

- (3) The identification, by name, address and telephone number, of the responsible party, as defined in §2.1311. The responsible party for a Supplier's Declaration must be located within the United States.

(b) If terminal equipment is not subject to a Supplier's Declaration, but instead contains protective circuitry that is subject to a Supplier's Declaration, then the responsible party for the protective circuitry shall include with each module of such circuitry, a Supplier's Declaration Statement containing the information required under §2.1316(a), and the manufacturer of such terminal equipment shall include such statement with each unit of the product.

(c) The Supplier's Declaration Statement shall be included in the user's manual or as a separate sheet.

(d)⁵ The responsible party of equipment subject to a Supplier's Declaration shall also provide to the user of equipment subject to the Supplier's Declaration the following:

(1) Instructions concerning installation, operational and repair procedures, where applicable.

(2) Instructions that Supplier-declared terminal equipment or Supplier-declared protective circuitry may not be used with party lines or coin lines.

(3) Instructions that when trouble is experienced the customer shall disconnect the terminal equipment subject to the Supplier's Declaration from the telephone line to determine if such equipment is malfunctioning, and that if such equipment is malfunctioning, the use of such equipment shall be discontinued until the problem has been corrected.

(4) Instructions that the user must give notice to the telephone company in accordance with the requirements of §68.106, and instructions specifying the Universal Service Order Code(s), other than RJ11 (see §68.502), of means of connection of the equipment which may be required to be ordered from the telephone company if not already installed.

⁵ See note 1, above.

(5) For a telephone which 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).

A telephone company which provides and installs the equipment which is subject to the Supplier's Declaration need only provide the user with the information required in paragraphs (b)(1), (b)(3) and (b)(5) of this section.

(6) For devices subject to a Supplier's Declaration that is used in connection with 1.544 Mbps digital services, instructions that the user must notify the telephone company prior to disconnection of such devices.

(c) When a Supplier's Declaration is revoked for any item of equipment, the responsible party for such Supplier's Declaration is responsible to take all reasonable steps to ensure that purchasers and users of such equipment are notified of such revocation and are notified to discontinue use of such equipment.

(d)⁶ The responsible party of a Supplier's Declaration or its agent shall assure that any Supplier-declared terminal equipment or protective circuitry which is offered to a user shall be equipped with standard means of connection to the telephone network specified in Subpart F of Part 68.

§2.1317 Submittal of information; sampling tests of equipment compliance. - (a) Upon reasonable request, each responsible party shall submit the following to the Commission or shall make the following available for inspection:

(1) The records required by §2.1315.

(2) The manufacturing plant and facilities.

(b) The Commission will, from time to time, request the responsible party to submit equipment subject to Part 68 to determine the extent to which subsequent production of such equipment continues to comply with the data on file with the responsible party. Shipping costs to the Commission's laboratory and return shall be borne by the responsible party.

(1) Failure to comply with such a request within 14 days may be cause for forfeiture, pursuant to §1.80 of this chapter, or other administrative sanctions while the matter is being resolved.

(2) The Commission may consider extensions of time upon submission of a showing of good cause.

(c) Unless otherwise directed, any information or equipment samples requested by the Commission pursuant to the provisions of this Subpart L of this part shall, unless

⁶ See note 1, above.

otherwise directed, be submitted to the Federal Communications Commission, Equipment Authorization Division, 7435 Oakland Mills Road, Columbia, Maryland 21046.

§2.1318 Description of measurement facilities.

(a) Each party making measurements of equipment that is subject to a Supplier's Declaration under this subchapter, shall compile a description of the measurement facilities employed. The description of the measurement facilities shall be retained by the responsible party for the Supplier's Declaration.

(b) If the equipment is/has been measured by an independent laboratory, it is acceptable for the responsible party to rely upon the description of the measurement facilities retained by or placed on file with the Commission by that laboratory, and the responsible party is not required to retain a duplicate copy of the description of the measurement facilities.

(c) The description shall contain the following information:

(1) Location of the test site.

(2) Physical description of the test site accompanied by photographs that clearly show the details of the test site.

(3) Description of structures used to support the device being measured and the test instrumentation.

(4) List of measuring equipment used.

(5) Information concerning the calibration of the measuring equipment, i.e., the date the equipment was last calibrated and how often the equipment is calibrated.

§2.1319 Changes in equipment and circuitry subject to a Supplier's Declaration. - No change shall be made in terminal equipment or protective circuitry that would result in any material change in the information contained in the Supplier's Declaration Statement furnished to users.

Any other changes in terminal equipment or protective circuitry which is subject to an effective Supplier's Declaration 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.

§2.1320 Revocation of Supplier's Declaration.

(a) The Commission may revoke any Supplier's Declaration for cause in accordance with the provisions of this section or in the event changes in its technical standards require the revocation of any outstanding Supplier's Declarations in order to achieve the objectives of Part 68. The procedure to be followed will be set forth in the order promulgating such new technical standards (after appropriate rulemaking proceedings) and will provide a suitable amortization period for equipment in hands of users and in the manufacturing process.

(b) Cause for revocation. The Commission may revoke a Supplier's Declaration:

(1) For false statements or representations made in materials or response submitted to the Commission or in records required to be kept by §2.1315.

(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 the Rules or otherwise expressly authorized by the Commission.

(4) if the equipment which is the subject of the Supplier's Declaration is shown to cause harm to the network;

(5) if the responsible party for such Supplier's Declaration willfully or repeatedly fails to comply with the terms and conditions of Part 68 any other rule, regulation or order issued by the Commission under the Communications Act of 1934 relating to equipment subject to a Supplier's Declaration.

(c) Notice of Intent to Revoke Supplier's Declaration. Before revoking a Supplier's Declaration under the provisions of this section, the Commission, or the Common Carrier Bureau under delegated authority, will issue a written Notice of Intent to Revoke Supplier's Declaration, or Joint Notice of Apparent Liability for Forfeiture and Intent to Revoke Supplier's Declaration pursuant to §§1.80 and 1.89 of this chapter.

(1) Contents of the Notice. The Notice will

(i) Identify the Supplier and Model number(s) of the equipment, and the rule or federal law apparently violated;

(ii) Set forth the nature of the act or omission charged against the responsible party, and the facts upon which such charge is based;

(iii) Specify that revocation of the Supplier's Declaration may be in addition to, or in lieu of, an amount in forfeiture levied pursuant to §1.80 of this chapter.

(d) Delivery. The Notice will be sent via certified mail to the responsible party at the address provided in the Supplier's Declaration Statement at issue.

(e) Response. The responsible party will be given a reasonable period of time (usually 30 days from the date of the Notice) to show, in writing, why its Supplier's Declaration should not be revoked or why the forfeiture penalty should not be imposed or should be reduced.

(f) Reconsideration or appeal. A registrant who is issued a revocation of equipment Supplier's Declaration and/or forfeiture assessment 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.

§2.1321⁷ Repair of Supplier-declared terminal equipment and Supplier-declared protective circuitry. - Repair of terminal equipment and protective circuitry subject to a Supplier's

⁷

See note 1, above.

Declaration shall be accomplished only by the responsible party thereof or by its authorized agent; however, routine repairs may be performed by a user, in accordance with the instruction manual if the responsible party determines and certifies in its Supplier's Declaration that such routine repairs will not result in noncompliance with the rules and regulations in Subpart D of Part 68.

§2.1322 Notice of non-hearing aid compatibility. - Every non-hearing aid compatible telephone 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

(b) Be accompanied by instructions in accordance with §68.202(d)(5) of the Rules.

§2.1323 Labeling requirements.

(a) Terminal equipment and protective circuitry subject to a Supplier's Declaration shall have prominently displayed on an outside surface the following information in the following format:

Complies With Part 68, FCC Rules

Model Number: _____

Ringer Equivalence: _____

(b) Terminal equipment and protective circuitry subject to a Supplier's Declaration shall also have the following identifying information permanently affixed to it.

(1) Responsible party's name.

(2) Country of origin of the equipment: "Made in _____." Required if the equipment is not manufactured in the United States. (Country of origin shall be determined in accordance with 19 USC 1304 and regulations promulgated thereunder.)

(c) As used herein, permanently affixed means that the required nameplate data is etched, engraved, stamped, indelibly printed or otherwise permanently marked. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other material fastened to the enclosure by welding, riveting, or with a permanent adhesive. Such a nameplate must be able to last for the expected lifetime of the equipment and must not be readily detachable.

(d) When the device is so small or for such use that it is not practical to place the statements specified in this section on it, the information required by paragraphs (a) and (b) of this section shall be placed in a prominent location in the instruction manual or pamphlet supplied to the user.

(e) 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, subject to a Supplier's Declaration 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 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.

§2.1324 Cross reference. - Terminal equipment and protective circuitry subject to a Supplier's Declaration shall, in addition to the requirements of this subpart, comply with the technical provisions of Subpart D of Part 68 to the extent that such technical requirements are also imposed on Registered terminal equipment or registered protective circuitry.

Other sections:

Amend Subpart J of Part 2 as follows:

Amend Section 2.925(b)(2) to read:

§2.925 Identification of equipment.

. . .

(2) Where telephone equipment subject to Part 68 of this chapter, and a radio frequency device subject to equipment authorization requirements are assembled in a common enclosure, the nameplate/label shall display the FCC Registration Number (for equipment subject to registration) in the format specified in Part 68 or the Model Number (for equipment subject to a Supplier's Declaration) in the format specified in Subpart L of this part, and the FCC Identifier in the format specified in paragraph (a) of this section.

Amend Part 15 as follows:

Amend Section 15.214() to read:

§15.214 Cordless telephones.

. . .

(b) A cordless telephone which is intended to be connected to the public switched telephone network shall also comply with the applicable regulations in Part 68 of this chapter. A separate application for registration under Part 68 is required for equipment subject to registration, and a separate Supplier's Declaration Statement under Part 2 is required for equipment subject to a Supplier's Declaration.

Amend Part 68 as follows:

Modify Section 68.2(a)(6) to read:

§68.2 Scope.

(a) General. Except as provided for in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of this section, the rules and regulations apply to direct connection:

. . .

(6) of registered or Supplier-declared terminal equipment or registered or Supplier-declared protective circuitry to Local Area Data Channels and to channels which are similar to Local Area Data Channels that are obtained as special assemblies.

Add definitions to Section 68.3 as follows:

Supplier-declared protective circuitry: Separate, identifiable and discrete electrical circuitry designed to protect the telephone network from harm, which is the subject of a Supplier's Declaration in accordance with the rules and regulations in Subpart L of Part 2.

Supplier-declared terminal equipment: Terminal equipment which is the subject of a Supplier's Declaration in accordance with the rules and regulations in Subpart L of Part 2.

Amend Section 68.100 to read:

§68.102 Equipment Authorization requirement. - Terminal equipment manufactured on or before **[effective date to be inserted]** must be registered in accordance with the rules and regulations in Subpart C of this part, or connected through registered protective circuitry, which is registered in accordance with the rules and regulations in Subpart C of this part. Terminal equipment manufactured after **[effective date to be inserted]** must be accompanied by a Supplier's Declaration in accordance with the rules and regulations in Subpart L of Part 2, or connected through Supplier-declared protective circuitry that is accompanied by a Supplier's Declaration in accordance with the rules and regulations in Subpart L of Part 2.

Amend Section 68.106 to read:

§68.106 Notification to telephone company.

(a) General. Customers connecting terminal equipment or protective circuitry to the telephone network shall, upon request of the telephone company, inform the telephone company of the particular line(s) to which such connection is made, the FCC registration number and ringer equivalence number of the registered terminal equipment or registered protective circuitry, or the Model number and ringer equivalence number of the Supplier-declared terminal equipment or Supplier-declared protective circuitry, as applicable.

(b) Systems assembled of combinations of individually-registered or individually Supplier-declared terminal equipment and protective circuitry. Customers connecting such assemblages to the telephone network shall, upon the request of the telephone company, provide to the telephone company the following information:

(1) For each line:

(i) Information required for compatible operation of the equipment with telephone company communications facilities.

(ii) The FCC Registration Numbers (for registered equipment) or Model Numbers (for Supplier-declared equipment) for all equipment dedicated to that line.

(iii) The largest ringer equivalence to be presented to that line.

(2) A list of FCC Registration Numbers (for registered equipment) and/or Model Numbers (for Supplier-declared equipment) for equipment to be used in the system.

Amend Section 68.220 to read:

§68.220 Cross reference. - Applications for Registration of terminal equipment or protective circuitry shall, in addition to the requirements of this Subpart, comply with the provisions of Subpart L, Sections 2.1300 and 2.1302 of Part 2 of this chapter. Supplier's Declarations shall comply with the provisions of Subpart L, Sections 2.1310 *et seq.* of Part 2 of this Chapter.