

**Before The  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
Administrative Council for Terminal ) RM-11702  
Attachments Petition for Rulemaking to )  
Fortify the Network Protections of Part 68 )

**COMMENTS OF  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom)<sup>1</sup> hereby responds to the Consumer and Governmental Affairs Bureau’s request for comment on a Petition for Rulemaking (Petition) filed by the Administrative Council on Terminal Attachments (ACTA) to “fortify the network protections of Part 68.”<sup>2</sup> USTelecom is generally supportive of the goals of the Petition. However, given that Part 68 has enabled substantial innovation in consumer equipment, USTelecom recommends that the Commission carefully evaluate whether the proposed amendment will clearly address the identified problem.

ACTA was established by the telecommunications industry at the direction of the Commission through the sponsorship of the Alliance for Telecommunications Industry Solutions (ATIS) and the Telecommunications Industry Association (TIA).<sup>3</sup> The role of ACTA is to adopt, compile and publish technical criteria for terminal equipment developed by ANSI-accredited standards organizations and to maintain a registry of Part 68-approved terminal equipment. The

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

<sup>2</sup> See Public Notice, Report No. 2989 (released Aug. 6, 2012).

<sup>3</sup> See *2000 Biennial Regulatory Review of Part 68 of the Commission’s Rules and Regulations*, 15 FCC Rcd 24944 (2000).

Part 68 standards for terminal equipment are designed to ensure that such equipment does not harm the public switched telephone network (PSTN) or telephone company personnel. All telephone companies must allow Part 68-certified terminal equipment to be attached to their networks.

Currently, Part 68 defines “terminal equipment” as “communications equipment located on customer premises at the end of a communications link, used to permit the stations involved to accomplish the provision of telecommunications or information services.” Generally, terminal equipment that is approved in accordance with Part 68 “may be directly connected to the public switched telephone network.” 47 C.F.R. §§ 68.100, 68.102.

In its Petition, ACTA requests that the Commission amend the definition of terminal equipment to include, at the end, the phrase “regardless of whether the equipment is also capable of connecting to other networks.” According to ACTA, “there is some confusion in the industry regarding the applicability of the existing [Part 68] rules to multi-connection devices.” Petition, at 5. ACTA believes that devices that can connect both to the PSTN and other networks are covered by Part 68, but, would like to ensure that the industry acts in concert with respect to such devices. ACTA intends that its proposed amended definition would codify “the applicability of Part 68 to devices capable of connecting to the PSTN and other networks.”

USTelecom agrees with the goals of ACTA’s Petition to ensure that terminal equipment that is connected to the PSTN complies with Part 68 standards and protects against harm to the network and telephone company personnel. However, the proposed amendment to the definition of terminal equipment does not appear to resolve the confusion that ACTA is attempting to address. Certainly, equipment designed with more than one network connection, including a Part

68 connection, should conform to Part 68 standards and be certified pursuant to Part 68 if such equipment is marketed for connecting directly to the PSTN.

However, one of the results and benefits of the development of Part 68 standards is that communications equipment may be built with standardized features, e.g., RJ-11 ports and plugs, even though the equipment may be designed and marketed for network connections other than the PSTN. Since the manufacturer may not intend for the equipment to directly connect to the PSTN, it may not seek Part 68 certification or market the equipment as Part 68 compliant. ACTA's proposed modification to the definition of terminal equipment could be interpreted to include equipment that in some unintended configuration could be connected to the PSTN, but, in reality, will be connected to a network in isolation from the PSTN and therefore has no need for Part 68 certification.<sup>4</sup>

ACTA's proposal thus raises questions broader than just ensuring that terminal equipment that is connected to the PSTN complies with Part 68. If ACTA intends the definition of terminal equipment to encompass equipment that is simply capable of connecting to the PSTN, then that proposal should be made clearer for manufacturers and other interested parties. Moreover, such a definition may impact the usability of Part 68-type features in design of network equipment, which, in turn, could affect innovation in communications equipment generally.

For these reasons, USTelecom recommends that the Commission carefully evaluate whether ACTA's proposed definition (a) is needed and/or (b) directly addresses the problem that ACTA raises. Without being placed in the appropriate context, the proposed amendment may have the unintended consequence of limiting the flexibility to innovate that manufacturers have

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<sup>4</sup> See Petition, at 4 and note 10 ("Devices that connect or potentially can connect are those devices that have an RJ11, RJ14, RJ45, or RJ48 port or plug capable of direct connection to the PSTN.").

today. The Commission should ensure that any modification to Part 68 addresses and resolves a specific problem in design and development of communications equipment for consumers.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

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