

# FCC ENFORCEMENT ADVISORY

## PART 68 COMPLIANCE ENFORCEMENT BUREAU ADVISES TELEPHONE TERMINAL EQUIPMENT SUPPLIERS TO REVIEW COMPLIANCE WITH PART 68 RULES

The Enforcement Bureau reminds suppliers of telephone terminal equipment of the obligation to comply with the requirements of Part 68 of the Commission Rules (47 C.F.R. Part 68). Part 68 requires, among other things, that Telephone Terminal Equipment (TTE) that is to be connected to the Public Switched Telephone Network (PSTN) and wireline carrier facilities used to provide private line services be tested to ensure compliance with certain technical criteria. Part 68-compliant TTE must be registered in the equipment database maintained by the Administrative Council for Terminal Attachments (ACTA), which has been assigned such responsibility by the Commission.

We will continue to take action against companies that fail to comply with the Part 68 rules. These critical rules provide uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment and associated wiring, and for the compatibility of hearing aids and telephones to ensure that persons with hearing aids have reasonable access to telephone networks.

The Part 68 rules have been in effect for some time and suppliers should now have implemented robust programs to ensure compliance with these rules. Company's failure to familiarize itself with the relevant law does not excuse noncompliance.

### What do the Part 68 rules require?

Part 68 of the FCC rules governs the connection of TTE to the Public Switched Telephone Network (PSTN) and wireline carrier facilities used to provide private line services. Under Part 68, TTE that is to be connected to the PSTN must meet certain technical criteria for preventing four proscribed harms.<sup>1</sup> These harms are: (1) electrical hazards to operating company personnel, damage to network equipment, malfunction of billing equipment, and degradation of service to customers other than the user of the TTE and that person's calling and called parties.<sup>2</sup>

Part 68 rules establish processes to identify, publish, and update these technical criteria, and also to approve TTE for attachment to wireline carrier networks." Once a supplier has demonstrated conformance with applicable technical criteria, the supplier must apply to the ACTA to have its approved TTE listed in the ACTA database. The ACTA database contains the master list of all TTE that is approved for connection directly to wireline carrier networks in the United States. The database is accessed by carriers, U.S. Customs, the FCC and others to verify that TTE conforms to Part 68 rules and applicable ACTA standards. All approved TTE must be listed in the ACTA database.

In addition, the ACTA database provides for a listing of ancillary equipment to specific approved TTE. Ancillary equipment may not be connected directly to the network, but can instead be connected indirectly through equipment that is Part 68-approved. Telephones that connect to a specific manufacturer's PBX are

---

<sup>1</sup> The Technical Criteria developed by TIA and adopted by ACTA are available for a one-time download at <http://www.part68.org/documents.aspx>. TE that do not meet these technical criteria may be connected indirectly to wireline carrier networks via protective circuitry, provided the protective circuitry meets the criteria. See 47 C.F.R. § 68.102.

<sup>2</sup> See 47 C.F.R. §68.3.

examples of ancillary equipment. The supplier must also ensure that proper labeling is on the product and appropriate consumer instructions are provided with the equipment. Requirements for consumer instructions are available through the ACTA.

In addition to rules concerning attachment of TTE to wireline carrier networks, Part 68 also contains provisions to protect consumers and to allow them to access competitive services. These include, for example, rules concerning Hearing Aid Compatibility and Volume Control (HAC/VC) for telephones, dialing frequency for automated dialing machines, source identification for fax transmissions, and technical criteria for inside wiring.

### **What happens if telephone terminal equipment providers do not comply with the rules?**

The Commission has the authority to enforce compliance of Part 68. Pursuant to section 68.423 of the FCC rules, 47 C.F.R. §68.423, the Commission may “conduct such inquiries and hold such proceedings as it may deem necessary to enforce the requirements” of Part 68, including conducting investigations. Persons with information relevant to an investigation, e.g., concerning the alleged provision of non-compliant Terminal Equipment for connection to the PSTN or to wireline carrier-owned facilities used in providing private line services, may provide such information to the FCC’s Enforcement Bureau.

The Consumer and Governmental Affairs Bureau considers informal consumer complaints regarding Part 68’s hearing aid compatibility and volume control rules pursuant to 47 C.F.R. §§ 68.415-68.420.

Importation or marketing of unauthorized equipment may result in monetary forfeitures starting at \$7,000 per violation. The base forfeiture amount is subject to adjustment based on aggravating or mitigating factors, with a statutory maximum forfeiture of \$16,000 for each violation. These amounts will be assessed for each day of violation, up to a maximum of \$112,500 for a single act or failure to act.

### **Need more information?**

For additional information regarding compliance with and enforcement of Part 68 rules, please contact \_\_\_\_\_, of the Enforcement Bureau. For general information on the Part 68 rules, contact \_\_\_\_\_ of the Wireline Competition Bureau. For information on registration of telephone equipment, please contact the Administration Council for Terminal Attachments at [inquiries@part68.org](mailto:inquiries@part68.org), or see [www.part68.org](http://www.part68.org).

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 the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-Tell-FCC (1-888-835-5322) for further information about the wireless microphone rules.

Media inquiries should be directed to \_\_\_\_\_.

Issued by: Chief, Enforcement Bureau

-FCC-