



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU REITERATES THE OBLIGATIONS OF TERMINAL EQUIPMENT SUPPLIERS UNDER PART 68 RULES

Part 68 of the Commission's rules, 47 C.F.R. Part 68, governs the connection of Terminal Equipment (TE) to the Public Switched Telephone Network (PSTN), or to wireline facilities owned by wireline telecommunications carriers and used to provide private line services. These rules mandate that such Terminal Equipment must meet technical criteria that prevent proscribed harms to the network and carrier personnel.

Pursuant to the Commission's November 9, 2000 *Report and Order* in CC Docket 99-216, significant aspects of Part 68 regulation have been privatized.¹ Nevertheless, all suppliers who provide Terminal Equipment for connection to the PSTN, or to wireline carrier-owned facilities used to provide private line services, and who are defined as "responsible parties" by 47 C.F.R. § 68.3, must ensure that all applicable Part 68 requirements are met. These include requirements that Terminal Equipment is properly approved for connection, is properly labeled, and is listed in the database of approved TE maintained by the Administrative Council for Terminal Attachments (ACTA). The Part 68 rules apply to all defined Terminal Equipment, including that manufactured domestically and abroad.

Persons who have reason to believe that non-compliant Terminal Equipment is being provided for connection to the PSTN, or to wireline carrier-owned facilities used to provide private line services, may provide information for investigation to this Commission.

This Public Notice summarizes Part 68 requirements. It is published for general guidance only. Terminal Equipment suppliers and other interested parties should, in every case, consult 47 C.F.R. Part 68 concerning the rules regarding connection of Terminal Equipment to the PSTN and to carrier-owned facilities used to provide private line services.

Terminal Equipment Subject to the Part 68 Rules

Compliance with Part 68 provisions is mandatory for defined Terminal Equipment that connects to the PSTN, or to wireline facilities owned by wireline telecommunications providers and used to provide private line services. Examples of Terminal Equipment include telephones, computer modems, facsimile machines, ADSL modems, PBXs, LAN gateways, and other centrally located equipment that

¹ See *In the Matter of 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulation*, CC Docket No. 99-216, *Report and Order*, 15 FCC Rcd 24944 (2000).

terminate communications circuits.

Requirements for Terminal Equipment Approval

Terminal Equipment that has not been approved is not freely connectable directly to wireline carrier networks.² To be approved for connection to the network, Terminal Equipment must conform to FCC rules and applicable technical criteria published by the Administrative Council for Terminal Attachments. Under FCC rules, the ACTA administers the review and publication of standards containing the technical criteria for preventing harms to the network and carrier personnel. Information concerning these standards is available on the ACTA web site, <http://www.part68.org>.

Methods of Obtaining Terminal Equipment Approval

The FCC permits suppliers to obtain Terminal Equipment approval in either of two ways. Suppliers can obtain certification from private Telecommunications Certification Bodies (TCBs). Alternatively, suppliers may declare their own equipment to conform to FCC rules and applicable technical standards using the Suppliers Declaration of Conformity (SDoC), as defined in International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 22 and FCC Part 68.

ACTA Database of Approved Terminal Equipment

Under Part 68 rules, once a supplier has obtained Terminal Equipment approval, regardless of the method (*i.e.*, TCB or SDoC), the supplier must apply to the Administrative Council for Terminal Attachments to have the approved TE listed in the ACTA database. The ACTA database contains the master list of all Terminal Equipment that are approved for connection to wireline carrier networks in the United States, and it incorporates the database of equipment registered with the FCC before the ACTA was created. The database also provides a listing of ancillary equipment to Part 68-approved devices, e.g., PBX telephones. All approved Terminal Equipment must be listed in the ACTA database.

Carriers, equipment manufacturers, the FCC and others use the ACTA database to verify that specific Terminal Equipment has indeed been approved and may therefore be freely connected directly to wireline carrier networks. U.S. Customs may also require information from the ACTA database.³ In order to ensure that accurate information is available to all users when it is needed, suppliers should list Terminal Equipment in the ACTA database promptly after obtaining approval. Procedures for submission of TCB certificates and SDoCs are available at the ACTA web site.

Terminal Equipment Labels

Suppliers must label approved Terminal Equipment in accordance with ACTA requirements and FCC rules. The presence of the label indicates that the Terminal Equipment has been certified by a TCB or approved by an SDoC. The label also allows consumers to identify the responsible party of their Terminal Equipment. All approved telephones that are hearing aid compatible must also be labeled with the letters "HAC".

² Terminal Equipment that has not been approved may be connected indirectly to wireline carrier networks via protective circuitry, if that circuitry has been approved. *See* 47 C.F.R. § 68.102.

³ *See* 19 U.S.C. § 3109 (b)(1)(A) (“Any product of a foreign country that is subject to registration or approval by the Commission may be entered only if (i) such product conforms with all applicable rules and regulations of the Commission...”).

Carriers Rights and Responsibilities

Wireline carriers must permit the connection of approved Terminal Equipment and can require TE that has not been approved to be disconnected. In addition, if Terminal Equipment is causing one or more proscribed harms, or the carrier determines that such harm is imminent, the carrier can temporarily discontinue service, but must notify the customer and afford the customer the opportunity to correct the situation.

Enforcement of Part 68 Rules

Although many functions involving Part 68 have been privatized and are no longer performed by the FCC, the Commission retains the authority to enforce compliance of Part 68. Pursuant to 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 to provide private line services, may provide such information to the FCC's Enforcement Bureau. In addition, the Enforcement Bureau considers formal complaints against common carriers for violations of Part 68 rules pursuant to the general rules for such complaints found in 47 C.F.R. §§ 1.720-1.736. 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.

Summary of Responsibilities

- Wireline carriers must allow all Terminal Equipment to be connected directly to the PSTN and their wireline facilities providing private line services, provided the TE have Part 68 approval.
- To obtain approval, suppliers must have the Terminal Equipment certified by a Telecommunications Certification Body or use a Supplier's Declaration of Conformity.
- All approved Terminal Equipment must be listed in the ACTA database, regardless of the method of approval.
- Suppliers must label approved Terminal Equipment in accordance with ACTA and FCC requirements.
- Persons with reason to believe that a supplier is providing non-compliant Terminal Equipment for connection to the PSTN, or to wireline carrier-owned facilities used in providing private line services, may provide information for investigation to this Commission.

For More Information

For additional information on Part 68 rules, visit the FCC web page http://www.fcc.gov/wcb/iatd/part_68.html. For information on ACTA standards, methods of Terminal Equipment approval, labeling requirements, filing procedures and the ACTA database of approved TE, visit the ACTA web site, <http://www.part68.org>. (See in particular <http://www.part68.org/documents/ACTA-02-08-08-03B-TSB129A.pdf>, the TIA/EIA Telecommunications System Bulletin on Terminal Equipment Approval.) A list of TCBs that have been accredited by National Institute of Standards and Technology (NIST) can be viewed at <http://ts.nist.gov/ts/htdocs/210/gsig/tcb-program.htm>.

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