

removing covers), or perform this action prior to the inspection. To minimize disruption of the premises communications system, the right of inspecting is limited as follows:

(i) During initial installation of wiring:

(A) The provider of wireline telecommunications may require withdrawal of up to 5 percent (measured linearly) of wiring run concealed in ducts, conduit or wall spaces, to determine conformance of the wiring to the information furnished in the affidavit.

(B) In the course of any such inspection, the provider of wireline telecommunications shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(ii) After failure of acceptance testing or after harm has resulted from installed wiring: The provider of wireline telecommunications may require withdrawal of all wiring run concealed in ducts, conduit or wall spaces which reasonably could have caused the failure or harm, to determine conformance of the wiring to the information furnished in the affidavit.

(iii) In the course of any such inspection, the provider of wireline telecommunications shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(4) *Requiring the use of protective apparatus.* In the event that any of the conditions listed in paragraph (g)(1) of this section, arises, and is not permanently remedied within a reasonable time period, the provider of wireline telecommunications may require the use of protective apparatus that either protects solely against hazardous voltages, or that protects both against hazardous voltages and imbalance. Such apparatus may be furnished either by the provider of wireline telecommunications or by the customer. This right is in addition to the rights of the provider of wireline telecommunications under § 68.108.

(5) *Notice of the right to bring a complaint.* In any case where the provider of wireline telecommunications invokes the extraordinary procedures of § 68.215(g), it shall afford the customer the opportunity to correct the situa-

tion that gave rise to invoking these procedures, and inform the customer of the right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part. On complaint, the Commission reserves the right to perform any of the inspections authorized under this section, and to require the performance of acceptance tests.

(h) *Limitations on the foregoing if protected wiring requiring acceptance testing is used.* If protected wiring is used which required acceptance testing, the requirements in the foregoing paragraphs of § 68.215 are hereby limited, as follows:

(1) *Supervision.* Section 68.215(c)(2)–(3) are hereby waived. The supervisor is only required to have had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment.

(2) *Extraordinary procedures.* Section 68.215(g)(3) is hereby limited to allow for inspection of exposed wiring and connection and splicing points, but not for requiring the withdrawal of wiring from wiring run concealed in ducts, conduit or wall spaces unless actual harm has occurred, or a failure of acceptance testing has not been corrected within a reasonable time. In addition, § 68.215(g)(4) is hereby waived.

[43 FR 16499, Apr. 19, 1978, as amended at 44 FR 7958, Feb. 8, 1979; 47 FR 37896, Aug. 27, 1982; 49 FR 21735, May 23, 1984; 58 FR 44907, Aug. 25, 1993; 66 FR 7584, Jan. 24, 2001]

#### § 68.218 Responsibility of the party acquiring equipment authorization.

(a) In acquiring approval for terminal equipment to be connected to the public switched telephone network, the responsible party warrants that each unit of equipment marketed under such authorization will comply with all applicable rules and regulations of this part and with the applicable technical criteria of the Administrative Council for Terminal Attachments.

(b) The responsible party or its agent shall provide the user of the approved terminal equipment the following:

(1) Consumer instructions required to be included with approved terminal equipment by the Administrative Council for Terminal Attachments;

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(2) For a telephone that 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).

(c) When approval is revoked for any item of equipment, the responsible party must take all reasonable steps to ensure that purchasers and users of such equipment are notified to discontinue use of such equipment.

[66 FR 7585, Jan. 24, 2001]

**§ 68.224 Notice of non-hearing aid compatibility.**

Every non-hearing aid compatible telephone offered for sale to the public on or after August 17, 1989, whether previously-registered, newly registered or refurbished 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 § 68.218(b)(5) of the rules.

[54 FR 21431, May 18, 1989, as amended at 61 FR 42187, Aug. 14, 1996]

**Subpart D—Conditions for Terminal Equipment Approval**

**AUTHORITY:** Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).

**SOURCE:** 45 FR 20853, Mar. 31, 1980, unless otherwise noted.

**§ 68.300 Labeling requirements.**

(a) Terminal equipment approved as set out in this part must be labeled in accordance with the requirements published by the Administrative Council for Terminal Attachments and with requirements of this part for hearing aid compatibility and volume control.

(b) As of April 1, 1997, all registered telephones, including cordless tele-

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phones, 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, 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 paragraph (b)(5) of 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.

[62 FR 61664, Nov. 19, 1997, as amended at 64 FR 3048, Jan. 20, 1999; 66 FR 7585, Jan. 24, 2001]

**§ 68.316 Hearing aid compatibility: Technical requirements.**

A telephone handset is hearing aid compatible for the purposes of this section if it complies with the following standard, published by the Telecommunications Industry Association, copyright 1983, and reproduced by permission of the Telecommunications Industry Association:

ELECTRONIC INDUSTRIES ASSOCIATION RECOMMENDED STANDARD RS-504 MAGNETIC FIELD INTENSITY CRITERIA FOR TELEPHONE COMPATIBILITY WITH HEARING AIDS

[Prepared by EIA Engineering Committee TR-41 and the Hearing Industries Association’s Standards and Technical Committee]

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