

§6.21

may be necessary to determine the defendant's compliance with the requirements of this subpart and to determine what, if any, remedial actions and/or sanctions are warranted.

(d) In the event that the Commission determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that the defendant has failed to comply with or is presently not in compliance with the requirements of this subpart, the Commission may order or prescribe such remedial actions and/or sanctions as are authorized under the Act and the Commission's rules and which are deemed by the Commission to be appropriate under the facts and circumstances of the case.

§6.21 Formal complaints, applicability of §§1.720 through 1.736 of this chapter.

Formal complaints against a manufacturer or provider, as defined under this subpart, may be filed in the form and in the manner prescribed under §§1.720 through 1.736 of this chapter. Commission staff may grant waivers of, or exceptions to, particular requirements under §§1.720 through 1.736 of this chapter for good cause shown; provided, however, that such waiver authority may not be exercised in a manner that relieves, or has the effect of relieving, a complainant of the obligation under §§1.720 and 1.728 of this chapter to allege facts which, if true, are sufficient to constitute a violation or violations of section 255 of the Act or this subpart.

§6.22 Formal complaints based on unsatisfied informal complaints.

A formal complaint filing based on an unsatisfied informal complaint filed pursuant to §4.16 of this chapter shall be deemed to relate back to the filing date of the informal complaint if it is filed within ninety days from the date that the Commission notifies the complainant of its disposition of the informal complaint and based on the same operative facts as those alleged in the informal complaint.

47 CFR Ch. I (10–1–13 Edition)

§6.23 Actions by the Commission on its own motion.

The Commission may on its own motion conduct such inquiries and hold such proceedings as it may deem necessary to enforce the requirements of this subpart and section 255 of the Communications Act. The procedures to be followed by the Commission shall, unless specifically prescribed in the Act and the Commission's rules, be such as in the opinion of the Commission will best serve the purposes of such inquiries and proceedings.

PART 7—ACCESS TO VOICEMAIL AND INTERACTIVE MENU SERVICES AND EQUIPMENT BY PEOPLE WITH DISABILITIES

Subpart A—Scope—Who Must Comply With These Rules?

Sec.

7.1 Who must comply with these rules?

Subpart B—Definitions

7.3 Definitions.

Subpart C—Obligations—What must Covered Entities do?

7.5 General obligations.

7.7 Product design, development and evaluation.

7.9 Information pass through.

7.11 Information, documentation and training.

Subpart D—Enforcement

7.15 Generally.

7.16 Informal or formal complaints.

7.17 Informal complaints; form and content.

7.18 Procedure; designation of agents for service.

7.19 Answers to informal complaints.

7.20 Review and disposition of informal complaints.

7.21 Formal complaints, applicability of §§1.720 through 1.736 of this chapter.

7.22 Formal complaints based on unsatisfied informal complaints.

7.23 Actions by the Commission on its own motion.

AUTHORITY: 47 U.S.C. 1, 154(i), 154(j) 208, and 255.

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