

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

**REPLY COMMENTS**

The Administrative Council for Terminal Attachments (“ACTA”), pursuant to Commission Rule 1.405, hereby replies to the comments filed by the United States Telecom Association (USTelecom) in response to the ACTA “Petition for Rulemaking to Fortify the Network Protections of Part 68 (*ACTA Petition*)”, which was submitted June 25, 2013. The ACTA appreciates the opportunity to present additional information regarding its petition, address the questions raised by USTelecom, and provide greater clarity regarding what it is being sought in the *ACTA Petition* and why.

**I. USTelecom Comments**

In the *ACTA Petition*, the ACTA noted that there are many devices that are capable of connecting both to the PSTN and to other networks, including IP networks.<sup>1</sup> The petition explained that 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.<sup>2</sup> The ACTA

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<sup>1</sup> *ACTA Petition* at p. 4.

<sup>2</sup> *Id* at p. 4, n. 10.

noted that such devices are capable of causing the same harm to the PSTN as PSTN-only devices but that there was confusion in the industry regarding the applicability of the existing rules to multi-connection devices.<sup>3</sup> The ACTA noted that the proposed clarification to the Commission's Part 68 rules would ensure that consumers have access to reliable communications, particularly during emergencies,<sup>4</sup> and promote compliance with the FCC's Part 68 HAC rules.<sup>5</sup> The ACTA therefore asked the FCC to consider a rule change to Rule 68.3, the definition of terminal equipment, to codify the applicability of Part 68 to devices capable of connecting to the PSTN and other networks.<sup>6</sup>

In its comments, USTelecom is generally supportive of the goals of the petition but urges the Commission to “carefully evaluate whether ACTA’s proposed definition (a) is needed and/or (b) directly addresses the problem that ACTA raises.”<sup>7</sup> USTelecom states that ACTA’s proposed amendment to Rule 68.3 could be interpreted to include equipment that has no need for Part 68 certification, such as equipment that could be connected to the PSTN but that is intended to be connected to a network in isolation from the PSTN.<sup>8</sup> USTelecom also recommends that the ACTA Petition could benefit from greater clarity, stating that “[i]f ACTA intended 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.”<sup>9</sup> USTelecom however raises concerns that, if this is the intended definition, it could have the unintended consequence of limiting manufacturers’ flexibility to innovate.<sup>10</sup>

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<sup>3</sup> *Id* at p. 4.

<sup>4</sup> *Id* at p. 5.

<sup>5</sup> *Id* at p. 6.

<sup>6</sup> *Id* at p. 5 and Appendix A.

<sup>7</sup> Comment of United States Telecom Association at p. 3.

<sup>8</sup> *Id* at p. 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

The ACTA also notes that it has received informal comments regarding the ACTA Petition. These comments are consistent with the comments made by USTelecom and will be addressed in the ACTA's response to the comments of USTelecom below.

## **II. ACTA Response**

The ACTA agrees with USTelecom that it would be beneficial to provide greater clarity regarding what specifically it is seeking. Simply put, the ACTA asks that the Commission initiate a rulemaking to clarify the definition of terminal equipment under Rule 68.3 to state that any equipment that has an RJ11, RJ14, RJ45 or RJ48 port must comply with all applicable Part 68 rules and with the applicable technical criteria developed by the industry and adopted by the ACTA.<sup>11</sup>

The ACTA also believes that there is value in providing examples of the type of equipment about which it is concerned. The ACTA notes that there are two (2) types of equipment that may pose potential harm to the network that would be addressed by granting the ACTA's proposed clarification to the Part 68 rules.

- 1) The first is equipment that is capable of being attached to the PSTN but that is not intended by the manufacturer for connection to the PSTN. This could include equipment that uses an RJ11 plug that is intended to connect to a VoIP device. The ACTA believes that there is a significant risk that a consumer may, intentionally or unintentionally, connect such equipment to the PSTN in contravention of the manufacturers' intentions. During a broadband outage, for

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<sup>11</sup> See, e.g., Telecommunications Telephone Terminal Equipment Labeling Requirements, September 2008 (TIA 168-B), adopted by ACTA May 22, 2008; Telecommunications Telephone Terminal Equipment Technical Requirements, Revision of TIA-968 (TIA-968-B), adopted by ACTA September 22, 2009; Errata for Telecommunications Telephone Terminal Equipment Technical Requirements (TIA-968-B ERRATA), adopted by ACTA April 30, 2010; Telecommunications Telephone Terminal Equipment Technical Requirements, Addendum to TIA-968-B (TIA-968-B-1), adopted by ACTA August 7, 2012; and Telecommunications Telephone Terminal Equipment Connector Requirements (TIA-1096-A), adopted by ACTA May 6, 2008.

example, a consumer could connect a broadband device with a RJ11 port directly to the PSTN in a misguided attempt to attain or restore service.

- 2) A second type of equipment that may pose harm to the network and that would be addressed by the ACTA Petition would be equipment that is intended to be connected, or that could be connected, to the PSTN but that includes an IP or other connection. The ACTA believes that there are instances in which manufacturers of such dual-mode equipment are not registering under Part 68 to avoid the burden of registration.

The ACTA cannot say whether there have been specific instances of harm caused by these devices, as it does not collect this type of data. As it has noted in other proceedings, the responsibility to collect this type of data would fall to the Commission as part of its Part 68 enforcement responsibilities.

The ACTA believes that the proposed clarification is consistent with the Commission's reasons for adopting the existing Part 68 rules<sup>12</sup> and does not disrupt the careful balance inherent in the rules between facilitating innovation and preventing harm to the PSTN and telephone company personnel. However, to provide greater flexibility for manufacturers and consumers, and to address the limited circumstances in which equipment with an RJ11, RJ14, RJ45 or RJ48 port is not intended to connect to the PSTN, the ACTA believes that an additional clarification may be beneficial. The ACTA therefore recommends that manufacturers of equipment not intended to be connected to the PSTN have the choice of: (1) registering its equipment under Part 68; or (2) using a "keyed" RJ11, RJ14, RJ45 or RJ48 plug, which has a small, square notch on its end that fits into a female keyed connector (and will not fit into a female non-keyed connector). The ACTA believes that the use of keyed plugs would add minimal cost to the manufacturing process.

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<sup>12</sup> See 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations, Report and Order, 15 FCC Rcd 24944, ¶ 7 (2000) ("Part 68 Streamlining Order") at ¶ 15.

### III. Conclusion

The ACTA appreciates the opportunity to provide greater clarity to the ACTA Petition and recommends that the Commission initiate a rulemaking to consider the modest changes being proposed by the ACTA to the Commission's Part 68 rules.

Respectfully submitted,



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September 20, 2013

**Certificate of Service**

I HEREBY CERTIFY that, on this 20th day of September 2013, a true and correct copy of the foregoing Reply Comments was submitted electronically to the Federal Communications Commission and sent via first class mail to the following:

United States Telecom Association  
Glenn Reynolds  
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Suite 400  
Washington, DC 20005

A handwritten signature in cursive script, reading "Kellie Bartholomew". The signature is written in black ink and is positioned above a horizontal line.

Kellie Bartholomew