

the Part 68 equipment approval requirements, despite the fact that the device does not meet the technical standards of section 68.317(f).

3. *Streamlined Volume Reset Switch Waiver Process.* On March 5, 2001, the Commission's Common Carrier Bureau, Network Services Division, released an order adopting a streamlined waiver process for deciding section 68.317(f) waiver petitions.⁵ The Bureau identified five safety conditions that, if met, would allow for the grant of a waiver. Those conditions are:

- (1) the volume reset override switch shall be labeled as such and located on the telephone in such a way as not to be accessible to accidental engagement;
- (2) a bright indicator light shall be prominently displayed on the front of the telephone and shall light up when the override is engaged and the telephone is placed in an off-hook condition;
- (3) next to the light shall be a warning that the amplification is at a high level;
- (4) a caution on the use of the volume reset override switch shall be included in the users' manual; and
- (5) the telephone shall include a warning printed in Braille that can be securely attached to the back of the handset, or, if the telephone has only a headset, above the dial buttons, to indicate that a high volume setting may be engaged.

With this streamlined waiver process, the Commission eliminated the usual public notice and comment procedures for petitions for waivers of Commission rules.⁶

4. Accordingly, a party may request waiver of section 68.317(f) by submitting a letter certifying that the equipment for which the waiver is requested complies with the five safety conditions set forth in *Tandy Corporation*.⁷ The letter (waiver request) must be signed "by a company representative or other officer responsible for its truthfulness."⁸ "If the request is in order and if no other issues are present that preclude a grant, the [Commission] will issue an order granting the waiver request."⁹ The party receiving such a waiver may then pursue equipment approval under the applicable Part 68 rules.¹⁰

5. *Discussion.* Clarity has provided a letter dated December 20, 2012, certifying that its telephone devices, Models Alto Plus and Alto, comply with the five safety conditions specified in *Tandy Corporation*. Its statement of certification is signed by John Lowe, the Supply Chain and QA Manager of Clarity. Based on this letter, we conclude that it is appropriate to grant the requested waiver. This *Order* therefore grants Clarity's waiver request. Clarity may therefore proceed with either TCB certification or a Self-Declaration of Conformity pursuant to Part 68 of the Commission's rules.

6. Accordingly, IT IS ORDERED that, pursuant to authority delegated in sections 0.141 and 0.361 of the Commission's rules, 47 C.F.R. §§ 0.141, 0.361, and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, the request for waiver of section 68.317(f) for Models Alto Plus and Alto, filed by Clarity, A Division of Plantronics, Inc., IS GRANTED SUBJECT TO THE FOLLOWING

⁵ *Tandy Corporation* at ¶¶ 13-15.

⁶ *Id.* at ¶ 15.

⁷ *Id.* at ¶ 17.

⁸ *Id.* at ¶ 15.

⁹ *Id.*

¹⁰ *Id.* at ¶ 15.

CONDITIONS: (1) the volume reset override switch shall be labeled as such and located on the telephone in such a way as to not be accessible to accidental engagement; (2) a bright indicator light shall be prominently displayed on the front of the telephone and shall light up when the override is engaged and the telephone is placed in an off-hook condition; (3) next to the light shall be a warning that the amplification is at a high level; (4) a caution on the use of the volume reset override switch shall be included in the users' manual; and (5) the telephone includes a warning printed in Braille that can be securely attached to the back of the handset, or, if the telephone has only a headset, above the dial buttons, to indicate that a high volume setting may be engaged.

7. 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 or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Order* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/hearing.html>.

FEDERAL COMMUNICATIONS COMMISSION

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