

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Part 68 Waiver Request of  
ConsumerWare, Inc., Fans Telecom,  
Inc., Marstech Limited, and Viking  
Electronics, Inc.

**ORDER**

Adopted: February 6, 1996; Released: February 6, 1996

By the Deputy Chief, Network Services Division, Common Carrier Bureau:

1. On September 28, 1995, the Commission's Common Carrier Bureau released an order granting eight parties a waiver of Section 68.312(k) of the Commission's rules to offer a device that detects the presence of a stutter dial tone.<sup>1</sup> The waivers were granted subject to eight conditions.<sup>2</sup> In the *Alameda Order*, the Common Carrier Bureau invited other parties able to meet these conditions to file petitions for waiver of Section 68.312(k) for their stutter dial tone detection devices.<sup>3</sup>

2. Since the *Alameda Order* was released, a number of parties have requested similar waivers.<sup>4</sup> Each petitioner has certified that it will conform to the eight conditions enumerated in the *Alameda Order*. The Commission may waive any provision of its rules if good cause for a waiver is shown.<sup>5</sup> The devices of each of these manufacturers are similar to the devices manufactured by the parties granted

waiver in the *Alameda Order*. We find that the instant waiver requests raise no issues that were not addressed in the *Alameda Order* and that the public interest would be best served by granting these requests without further delay. We note, however, that on October 30, 1995, VoiceWaves, Inc. and Southwestern Bell Telephone Co. (SWBT) filed petitions for reconsideration of the *Alameda Order*.<sup>6</sup> Thus, while we grant the petitioners' waiver requests, we subject the authorizations to any changes required by the Commission's decision on reconsideration. Petitioners failing to comply with the Commission's reconsideration order may have their stutter dial tone registration revoked.

**ORDERING CLAUSES**

3. Accordingly, pursuant to authority delegated in Section 0.91, 47 C.F.R. § 0.91, and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, and pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, IT IS HEREBY ORDERED, that the requests for waiver of Section 68.312(k) of the Commission's Rules, 47 C.F.R. § 68.312(k), by ConsumerWare, Inc., Fans Telecom Inc., Marstech Limited, and Viking Electronics, Inc. ARE GRANTED to the extent discussed herein.

4. IT IS FURTHER ORDERED, that the petitions for waiver ARE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: The stutter dial tone detection device (1) performs no periodic testing for stutter dial tone; (2) makes an off-hook stutter dial tone check no more than once after a subscriber completes a call, and completes the check no earlier than 4 seconds and no later than 30 seconds after the subscriber hangs-up; (3) makes an off-hook stutter dial tone check after an unanswered call no more than once and does so within 4 minutes after the call; (4) performs no off-hook stutter dial tone checks after an unanswered incoming call if the visual message indicator is already lit; (5) takes the line off-hook for no more than 2.1 seconds per stutter dial tone check; (6) synchro-

<sup>1</sup> See Part 68 Waiver Request of Alameda Engineering, Inc., *et al.*, Order, 10 FCC Rcd 12135 (1995) (*Alameda Order*).

<sup>2</sup> The conditions require that a stutter dial tone detection device: (1) performs no periodic testing for stutter dial tone; (2) makes an off-hook stutter dial tone check no more than once after a subscriber completes a call, and completes the check no earlier than 4 seconds and no later than 30 seconds after the subscriber hangs-up; (3) makes an off-hook stutter dial tone check after an unanswered call no more than once and does so within 4 minutes after the call; (4) performs no off-hook stutter dial tone checks after an unanswered incoming call if the visual message indicator is already lit; (5) takes the line off-hook for no more than 2.1 seconds per stutter dial tone check; (6) synchronizes off-hook checks when multiple stutter dial tone detection and visual signalling devices are attached to the same line so that only one check is made per calling event for a single line; (7) does not block dial tone to a subscriber attempting to initiate a call as an off-hook stutter dial tone detection check is occurring; and, (8) does not use more than 8 microamps of direct current (DC) from subscriber line loop, except that the device may draw loop DC sufficient to make authorized off-hook checks. See 10 FCC Rcd at 12141.

<sup>3</sup> See 10 FCC Rcd at 12141, note 73.

<sup>4</sup> See Waiver Request of Marstech Limited for Aastra Corp., SmartLite, Model C+ (Nov. 3, 1995), Waiver Request of ConsumerWare, Inc. (Nov. 6, 1995), Waiver Request of Fans Telecom Inc. (Nov. 6, 1995), Waiver Request of Viking Electronics, Inc. (Nov. 7, 1995), Waiver Request of Marstech Limited

for Aastra Corp. Vision 3000, Models CID-3030 and CID-3090 (Nov. 20, 1995), and Amended Waiver Request of Fans Telecom Inc. (Jan. 30, 1996). See also Waiver Request of Practical Telephony Corporation, Rpt. No. CC 95-62 (Oct. 2, 1995). We decline to address Practical Telephony's request at this time but will do so in a subsequent decision.

<sup>5</sup> See 47 C.F.R. § 1.3.

<sup>6</sup> In its petition for reconsideration, VoiceWaves asks the Bureau to eliminate the 30 second maximum contained in the condition allowing a device to make an automatic check for stutter dial tone no earlier than 4 seconds and no later than 30 seconds after a voice mail subscriber completes a call and hangs up on the line to which the device is attached. VoiceWaves also asks the Bureau to impose an additional condition requiring that stutter dial tone detection devices not interfere with other registered devices, such as facsimile machines and modems, attached to the same line. SWBT's petition for reconsideration asks the Bureau to require any party seeking waiver for a stutter dial tone detection device to submit its device to an impartial testing agency for certification that the device complies with the conditions imposed in the *Alameda Order* prior to the Bureau's granting its waiver request. See Commission Seeks Comment on VoiceWaves Petition for Reconsideration of Order Granting Part 68 Waiver for Stutter Dial Tone Detection Devices, *Public Notice*, DA 95-2443 (Dec. 8, 1995).

nizes off-hook checks when multiple stutter dial tone detection and visual signalling devices are attached to the same line so that only one check is made per calling event for a single line; (7) does not block dial tone to a subscriber attempting to initiate a call as an off-hook stutter dial tone detection check is occurring; and, (8) does not use more than 8 micro-amps of direct current (DC) from subscriber line loop, except that the device may draw loop DC sufficient to make authorized off-hook checks.

5. IT IS FURTHER ORDERED, that the petitions for waiver ARE GRANTED SUBJECT TO THE COMMISSION'S DECISION ON RECONSIDERATION of the *Alameda Order*, 10 FCC Rcd 12135 (1995).

FEDERAL COMMUNICATIONS COMMISSION

John S. Morabito  
Deputy Chief, Network Services Division  
Common Carrier Bureau