

Division, Common Carrier Bureau. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This summarizes the Commission's Notice of Proposed Rulemaking in the matter of Access to Telecommunications Equipment and Services by Persons With Disabilities, (CC Docket 87-124, adopted November 28, 1995, and released November 28, 1995). The file is available for inspection and copying during the weekday hour of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M Street, N.W., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, Washington D.C. 20037, phone 202/857-3800.

#### Paperwork Reduction Act of 1995

This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are due 60 days from date of publication of this NPRM in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* NA.

*Title:* Access to Telecommunications Equipment and Services by Persons With Disabilities, CC Docket No. 87-124.

*Form No.:* NA.

*Type of Review:* New Collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 806,100.

*Estimated Time per Response:* 2 hours.

*Total Annual Burden:* 1,635,000 hours.

**Needs and Uses:** The manufacturing date stamp on telephone equipment is needed for, and will be used for, determining whether a particular telephone is hearing aid compatible. The designation of emergency use hearing aid compatible telephones is needed to provide access to workplace emergency telephones for persons with hearing disabilities until workplaces are required to provide that all workplace telephones are hearing aid compatible. The equipment packaging and instructions information is needed to alert consumers in cases where a packaged telephone is not hearing aid compatible.

**Analysis of Proceeding:** In 1992, the Commission adopted rules implementing the Hearing Aid Compatibility Act of 1988, 47 U.S.C. § 610 (HAC Act). In 1993, the Commission suspended portions of the 1992 rules because petitions filed by establishments affected by the regulations stated that the establishments were encountering serious difficulties in their attempts to comply. On March 27, 1995, the Commission announced that an advisory committee, the Hearing Aid Compatibility Negotiated Rulemaking Committee (Committee), would consider whether the rule suspension should be lifted and whether new rules should be proposed. (See 59 FR 60343 (Nov. 23, 1994); 58 FR 1539 (March 27, 1995); and 60 FR 27945 (May 26, 1995). The Committee represented the views and interests of all interested parties, including those of the Commission, telephone equipment manufacturers, employers, hospitals, nursing homes, hotels and motels, and persons with disabilities. The Committee's recommendations, adopted by unanimous consent, were filed with the Commission in the Committee's Final Report of August, 1995. The NPRM reflects the recommendations of the Committee.

The NPRM seeks comment first, on the Committee's proposal to require hearing aid-compatible telephones in: (1) The non-common areas of the workplace; (2) the patient and residential rooms of confined settings, such as hospitals and nursing homes; and (3) the guest rooms of hotels and motels. Second, the NPRM seeks comment on a proposal that all replacement telephones and all newly purchased telephones should be equipped with volume control, in addition to having electro-magnetic coil hearing aid-compatibility. The NPRM also seeks comment on a proposed rule that would require that all telephones manufactured or imported for use in the

United States have a volume control feature, and includes a proposed technical specification for volume control. Third, the NPRM seeks comment on a proposal to modify our rules governing telephone equipment labelling requirements. Fourth, the NPRM seeks comment on proposals to implement additional recommendations of the Committee regarding consumer education. Finally, the NPRM seeks comment on proposed amendments to existing hearing aid compatibility rules for the purpose of clarification.

The proposed rules provide, in general, that all wireline telephones in the workplace, in confined settings, and in hotels and motels eventually would be hearing aid compatible, as defined at 47 C.F.R. Section 68.316 (electro-magnetic coil compatibility). The proposed rules would require no testing or retrofitting of existing workplace telephones. Instead, the proposed rules set deadlines that are beyond the normal life-cycle times for the telephones in these establishments to be replaced. The proposed rules also would require volume control for newly acquired and replacement telephones in these establishments, once the Commission's technical standards and implementation rules for volume control are in place. Replacement or retrofitting for volume control also would not be required, and existing inventories of telephones would not be affected by the volume control requirement. The NPRM states that the volume control feature could assist many telephone users, whether they have hearing disabilities, and whether they rely on telephones that are hearing aid compatible. The rules are necessary to implement the Hearing Aid Compatibility Act of 1988. If adopted, the proposed rules would increase access by persons with hearing disabilities to telephones provided for emergency use.

Under the proposed rules, most workplace telephones would be required to be hearing aid compatible by January 1, 2000. In harmony with the provisions of the Americans With Disabilities Act of 1990, establishments with fewer than fifteen employees would be exempt from these requirements. After the applicable date for having hearing aid compatible telephones, employers could presume that their telephones were hearing aid compatible. Any person legitimately on the premises could challenge this presumption with a good faith request for a hearing aid compatible telephone. Upon receipt of such a request, the employer would have fifteen working days to replace any particular telephone