

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

In the Matter of
Request for Waiver of the Hearing Aid
Compatibility Volume Control Reset Rules
CaptionCall, LLC
CG Docket No. 18-307

ORDER

Adopted: October 10, 2024

Released: October 10, 2024

By the Acting Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau:

1. By this Order, the Consumer and Governmental Affairs Bureau of the Federal Communications Commission (FCC or Commission) grants CaptionCall, LLC (CaptionCall), a waiver of the volume control reset requirement in section 68.317 of the Commission’s rules. Under section 68.317, wireline telephones may exceed the maximum volume specified in the rule, but must automatically reset to a lower level after the telephone is hung up. Telephones covered by this waiver can be used by persons with hearing loss without the need to turn the volume back up before each use.

2. Background. Pursuant to the Commission’s streamlined waiver process, CaptionCall seeks a waiver of the volume control reset provisions for its 88T Internet Protocol Captioned Telephone Service device (88T Device) “so that persons with hearing loss can set a default volume above the maximum allowed level [for the 88T Device] and not have to turn the volume back up each time they use it.” CaptionCall states that the 88T Device supports both public switched telephone network (PSTN) and Voice over Internet Protocol (VoIP) services.

1 See 47 CFR § 68.317(h); Letter from Ryan Sullivan, Chief Product Officer, CaptionCall, LLC, to Marlene H. Dortch, Secretary, FCC (June 13, 2024) (CaptionCall Waiver Request).

2 47 CFR § 68.317(h); see Access to Telecommunications Equipment and Services by Persons with Disabilities; Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations, CG Docket No. 13-46, Report and Order and Order on Reconsideration, 32 FCC Rcd 9063, 9066-70, paras. 7-15 (2017) (2017 HAC Order) (amending section 68.317 to incorporate a revised volume control standard and a new volume control reset requirement).

3 See Tandy Corporation, Walker Equipment Company, Ameriphone, Inc., and Ultratec, Inc., Request for Waiver of Volume Control Reset, 47 C.F.R. § 68.317(f), NSD-L-00-17 et al., Memorandum Opinion and Order, 16 FCC Rcd 5253, 5258, para. 15 (CCB 2001) (Tandy Corporation Waiver Order); Requests for Waiver of Volume Control Reset Rules, ClearCaptions, LLC, CG Docket No. 18-307, Order, 33 FCC Rcd 11602, 11604-05 (CGB 2018) (ClearCaptions Waiver Order) (providing and applying a modified streamlined waiver process); Notice of New Docket and Filing Procedures for Requesting Waiver of Wireline Hearing Aid Compatibility Volume Control Reset Rules, CG Docket No. 18-307, Public Notice, 33 FCC Rcd 11598, 11599-600 (CGB 2018) (Volume Control Reset Waiver Public Notice) (providing a new docket number and updating the procedure for requesting a streamlined waiver).

4 CaptionCall Waiver Request at 2; see also Request for Waiver of the Hearing Aid Compatibility Volume Control Reset Rules, CaptionCall, LLC, CG Docket No. 18-307, Order, 34 FCC Rcd 8174 (CGB 2019) (granting CaptionCall a waiver of the rule with respect to its 78T device); Request for an Amended Waiver of the Hearing Aid (continued....)

3. *Volume Control Standard.* Section 68.317 of the Commission’s rules governs the provision of volume control on wireline telephones used with the PSTN and telephonic equipment used with advanced communications services (ACS) such as VoIP service (ACS telephonic CPE).⁶ Wireline telephones and ACS telephonic CPE that are manufactured or imported for use in the United States on or after February 28, 2020, must comply with the volume control standard in section 68.317(h).⁷

4. This volume control standard uses a unit of volume measurement called “Conversational Gain” to specify amplification levels.⁸ To help ensure that people with hearing loss can use a telephone, the volume control standard allows the receive amplification to exceed the specified maximum level (24 dB Conversational Gain), provided that the amplification level automatically resets to a lower level (no more than 24 dB Conversational Gain) after the telephone is hung up.⁹ As outlined in section 68.317(h), the reset requirement is designed to help minimize the likelihood of harming individuals with normal hearing who may use the telephone after someone else has increased the volume beyond a certain level.¹⁰ However, the reset requirement can hinder effective use of a telephone by consumers with hearing loss who regularly require amplification above the specified maximum.¹¹ Therefore, the Commission in the *2001 Tandy Corporation Waiver Order* adopted a streamlined process for handling requests for waiver of the reset requirement to allow Part 68 registration of telephones specifically designed to meet such consumers’ needs.¹² For devices manufactured pursuant to such waivers, a person with hearing loss can use the telephone without having to turn the volume back up before each use.¹³

5. *Streamlined Waiver Process.* The streamlined waiver process adopted in the *2001 Tandy Corporation Waiver Order* was modified in the *ClearCaptions Waiver Order* and *Volume Control Reset Waiver Public Notice* for use with the current volume control standard.¹⁴ Pursuant to this streamlined process, petitioners that satisfy five safety conditions will ordinarily receive the grant of a waiver. Those conditions are:

- (1) The volume reset override switch shall be labeled as such and located on the PSTN telephone or ACS telephonic CPE 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 PSTN telephone or ACS telephonic CPE and shall light up when the override is engaged, and the telephone is placed in an off-hook condition.

(Continued from previous page) _____
Compatibility Volume Control Reset Rules, CaptionCall, LLC, CG Docket No. 18-307, Order, 36 FCC Rcd 14616 (CGB 2021) (granting an amended waiver encompassing a new version of CaptionCall’s 78T device, the 78TX).

⁵ CaptionCall Waiver Request at 1-2 n.3.

⁶ See 47 CFR § 68.6 (requiring that wireline telephones manufactured or imported for use in the United States comply with 47 CFR § 68.317); *id.* § 68.501(a) (requiring that ACS telephonic CPE be certified as hearing aid compatible). ACS telephonic CPE is defined as customer premises equipment (CPE) used with ACS “that is designed to provide 2-way voice communications via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, except for mobile handsets.” *Id.* § 68.3.

⁷ 47 CFR § 68.317(a)(2).

⁸ See *id.* § 68.317(h).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Tandy Corporation Waiver Order*, 16 FCC Rcd at 5255-56, para. 9.

¹² *Id.* at 5257-58, paras. 13-15.

¹³ See *id.* at 5255-56, para. 9.

¹⁴ *ClearCaptions Waiver Order*, 33 FCC Rcd at 11604, para. 6; *Volume Control Reset Waiver Public Notice*, 33 FCC Rcd at 11599-600.

- (3) Next to the light shall be a warning that the amplification is at a high level.
- (4) A caution on using the volume reset override switch shall be included in the users' manual.
- (5) The PSTN telephone or ACS telephonic CPE 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.¹⁵

6. A party may request a volume control reset waiver for a device by certifying its compliance with the aforementioned five safety conditions.¹⁶ The request must be signed "by a company representative or officer responsible for its truthfulness."¹⁷ 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.¹⁸ The party receiving such a waiver may then pursue equipment approval under the applicable Part 68 rules.¹⁹

7. *Discussion.* We grant a waiver of the volume control reset requirements in sections 68.317(g) and (h) to CaptionCall for the 88T Device because we find that CaptionCall has properly certified compliance with the streamlined waiver conditions of the *Tandy Corporation Waiver Order*, as modified by the *ClearCaptions Waiver Order* and the *Volume Control Reset Waiver Public Notice*.²⁰ Grant of the combined waiver will afford persons with hearing loss the option of using their telephones without the need to turn the volume back up each time they use the phone. CaptionCall may therefore proceed to request certification from a Telecommunications Certification Body or to submit a Supplier's Declaration of Conformity pursuant to Part 68 of the Commission's rules.²¹

8. We condition the grant of this waiver on the following requirements for the 88T Device: (1) the volume reset override switch shall be labeled as such and located on the phone 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 phone and shall light up when the override is engaged and the phone 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 phone shall include a warning printed in Braille that can be securely attached to the back of the handset, or, if the phone has only a headset, above the dial buttons, to indicate that a high-volume setting may be engaged.

9. Accordingly, IT IS ORDERED that, pursuant to authority delegated in sections 0.141, 0.361 and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, the request for waiver of the volume control reset requirements of sections 68.317(g) and (h) of the Commission's rules, 47 CFR § 68.317(g)-(h), for the 88T Device filed by CaptionCall, LLC, IS GRANTED to the extent described herein.

¹⁵ *ClearCaptions Waiver Order*, 33 FCC Rcd at 11604, para. 6; *Volume Control Reset Waiver Public Notice*, 33 FCC Rcd at 11599-600.

¹⁶ *ClearCaptions Waiver Order*, 33 FCC Rcd at 11604, para. 6; *Volume Control Reset Waiver Public Notice*, 33 FCC Rcd at 11600.

¹⁷ *ClearCaptions Waiver Order*, 33 FCC Rcd at 11604, para. 6; *Volume Control Reset Waiver Public Notice*, 33 FCC Rcd at 11600.

¹⁸ *Tandy Corporation Waiver Order*, 16 FCC Rcd at 5258, para. 15.

¹⁹ *Id.*

²⁰ CaptionCall Waiver Request at 2-3.

²¹ See 47 CFR § 68.201.

10. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Joshua Mendelsohn
Acting Chief, Disability Rights Office
Consumer and Governmental Affairs Bureau