



# PUBLIC NOTICE

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**Federal Communications Commission**  
445 12th St., SW  
Washington, DC 20554

**DA 99-1232**

**Released: June 23, 1999**

**LUCENT TECHNOLOGIES, INC., FILES PETITION FOR WAIVER;  
PUBLIC COMMENT INVITED**

**NSD-L-99-49**

**COMMENTS: July 23, 1999**

**REPLY COMMENTS: August 9, 1999**

On May 18, 1999, Lucent Technologies, Inc. ("Lucent") petitioned the Commission for a waiver of the volume control requirement contained in 47 C.F.R. § 68.6 for its Explosive Atmosphere ("EA") telephone. Section 68.6 of the Commission's Rules, 47 C.F.R. § 68.6, requires all telephones to have volume control in accordance with the technical provisions in 47 C.F.R. § 68.317, with exceptions not relevant here, as of January 1, 2000. Lucent states that its EA telephone is compliant with all other relevant portions of 47 C.F.R. Part 68 and that it will not cause harm to the public telephone switched network ("PSTN").

Lucent describes the EA telephone as a highly specialized telephone for use in areas with explosive or combustible vapors. The EA telephone's housing is made of a cast aluminum alloy and is designed to prevent any spark that may be caused within the telephone from coming into contact with gas or vapors that are in the atmosphere surrounding the telephone. The internal wiring must be put through special conduits for use in explosive atmospheres. Lucent states that its EA telephone is the only one manufactured which can be used in an explosive area where a telephone must be located farther than 1000 feet from a non-explosive environment. Lucent states that it sells approximately 100 - 125 EA telephones each year.

In support of its waiver request, Lucent argues that the EA telephone is hearing aid compatible, but that it has been unsuccessful in its attempts to add volume control to the handset and housing.

Lucent states that all such modifications to the handset and housing have compromised the telephone's seals, allowing vapors or gases to enter through the thumbwheel or button volume control, making the unit unsafe for use in an explosive atmosphere.

The Commission seeks comment on Lucent's Petition for Waiver. In particular, the Commission seeks comment on whether the lack of volume control would substantially harm the public interest policy underlying 47 C.F.R. § 68.6. The Commission requests that commenters submit empirical data supporting their arguments in favor of or against grant of this Petition for Waiver.

Comments on the Petition for Waiver must be filed with the Commission by **July 23, 1999** and reply comments by **August 9, 1999**. All filings must reference **NSD-L-99-48**.

*Ex parte* presentations in this proceeding will be governed by the procedures set forth in Section 1.1206 of the Commission's rules for permit-but-disclose proceedings. Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition, parties should send two paper copies, and one on diskette, to Al McCloud, Network Services Division, Common Carrier Bureau, FCC, 445 12th Street, SW, Suite 6-A207, Washington, DC 20554, and one copy to ITS, the Commission's copy contractor, at 1231 20th Street, NW, Washington, DC 20036. Copies of documents filed with the Commission may be obtained from the International Transcription Service (ITS), 445 12th Street, SW, Room CY-B400, Washington, DC, 20554, (202) 314-3070. Documents are also available for review and copying at the FCC Reference Room, 445 12th Street, CY-A257, SW, Washington, DC, (202) 418-0267.

Diskettes sent to the Network Service Division must be on a standard 3 ½ inch diskette, in an IBM-compatible format, readable by high-density floppy drives operating under MS DOS 5.X or later compatible versions, and must be in WordPerfect MS Windows version 5.1, WordPerfect MS DOS version 5.1, or ASCII text. Diskettes must be submitted in "read only" mode, and must be clearly labeled with the commenter's name, the filing date, and a description of the diskette's contents. Comments and reply comments will be available for public inspection and copying during regular business hours in the Commission's Public Reference Center, Room CY-257, 445 12th Street, SW, Washington, DC 20554. Copies of comments and reply comments will also be available from ITS, at 445 12th Street, Room CY-B400, or by calling (202) 313-3070, TTY: (202) 293-8810.

**FOR FURTHER INFORMATION CONTACT:** Susan Magnotti at (202) 418-0871. Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 6-A207, Washington, DC 20554; Fax: (202) 418-2345; TTY: (202) 418-0484; e-mail: smagnott@fcc.gov.

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