

APPENDIX C

Final Rules

PART 12—RESILIENCY, REDUNDANCY AND RELIABILITY OF COMMUNICATIONS

Part 12 of the rules is amended by adding new section 12.5, to read as follows:

§ 12.5 Backup Power Obligations

- (a) *Covered Service.* For purposes of this section, a Covered Service is any facilities-based, fixed voice service offered as residential service, including fixed applications of wireless service offered as a residential service, that is not line powered.
- (b) *Obligations of Providers of a Covered Service to Offer Backup Power.* Providers of a Covered Service shall, at the point of sale for a Covered Service, offer subscribers the option to purchase backup power for the Covered Service as follows:
- (1) *Eight Hours.* Providers shall offer for sale at least one option with a minimum of eight hours of standby backup power.
 - (2) *Twenty-Four Hours.* Within three years of the effective date of the obligation described in (b)(1) above, providers of a Covered Service shall offer for sale also at least one option that provides a minimum of twenty-four hours of standby backup power.
 - (3) At the provider's discretion, the above options may be either (i) a complete solution including battery or other power source or (ii) installation by the provider of a component that accepts or enables the use of a battery or other backup power source that the subscriber obtains separately. If the provider does not offer a complete solution, the provider shall install a compatible battery or other power source if the subscriber makes it available at the time of installation and so requests.

After service has been initiated, the provider may, but is not required to, offer to sell any such options directly to subscribers.

- (c) *Backup power required.* The backup power offered for purchase under paragraph (b) must include power for all provider-furnished equipment and devices installed and operated on the customer premises that must remain powered in order for the service to provide 911 access.
- (d) *Subscriber Disclosure.*
- (1) The provider of a Covered Service shall disclose to each new subscriber at the point of sale and to all subscribers to a Covered Service annually thereafter:
 - i. Capability of the service to accept backup power, and if so, the availability of at least one backup power solution available directly from the provider, or after the initiation of service, available from either the provider or a third party. After the obligation to offer for purchase a solution for twenty-four hours of standby backup power becomes effective, providers must disclose this information also for the twenty-four-hour solution.
 - ii. Service limitations with and without backup power;
 - iii. Purchase and replacement information, including cost;
 - iv. Expected backup power duration;
 - v. Proper usage and storage conditions, including the impact on duration of failing to adhere to proper usage and storage;
 - vi. Subscriber backup power self-testing and –monitoring instructions; and
 - vii. Backup power warranty details, if any.
 - (2) *Disclosure Reasonably Calculated to Reach Each Subscriber.* A provider of a Covered Service shall make disclosures required by this rule in a manner reasonably calculated to reach individual subscribers, with due consideration for subscriber preferences. Information

posted on a provider's public website and/or within a subscriber portal accessed by logging through the provider's website are not sufficient to comply with these requirements.

- (3) The disclosures required under this paragraph are in addition to, but may be combined with, any disclosures required under Section 9.5(e).
- (e) *Obligation With Respect to Existing Subscribers.* Providers are not obligated to offer for sale backup power options to or retrofit equipment for those who are subscribers as of the effective date of the obligations in (b)(1) above, but shall provide such subscribers with the annual disclosures required by (d) above.
- (f) *Effective Dates of Obligations.*
 - (1) Except as noted in sections (b)(2) and (f)(2), the obligations under section (b) above are effective 120 days after publication of this rule in the Federal Register, and the obligations under section (d) above are effective 120 days after the Commission announces approval from the Office of Management and Budget.
 - (2) For a provider of a Covered Service that (together with any entities under common control with such provider) has fewer than 100,000 domestic retail subscriber lines, the obligations in section (b)(1) above are effective 300 days after publication of this rule in the Federal Register, the obligations in (b)(2) are effective as prescribed therein, and the obligations under section (d) above are effective 300 days after the Commission announces approval from the Office of Management and Budget.
- (g) *Sunset Date.* The requirements of this section shall no longer be in effect as of September 1, 2025.