

## **CONNECTION OF CUSTOMER-PROVIDED EQUIPMENT**

### A. General Provision

Customer-provided equipment may be used with the facilities furnished by the Company for message telephone service as set forth in (2) through (5) following, provided that such equipment meets the standards necessary to protect the Company's communications network against harm of a technical nature.

### B. Recording of Two-Way Telephone Conversations

Telecommunications services are not represented as adapted to the recording of two-way telephone conversations. However, voice recording equipment which is directly, acoustically or inductively connected, may be connected with telecommunications services subject to the following regulations:

#### (1) Recording Requirements

The voice recording equipment must be arranged so that it can be connected or disconnected (or switched on or off) at the will of the customer. In addition, one of the following conditions must apply:

- (a) All parties to the telephone conversation must give their prior consent to the recording of the conversation and the prior consent must be obtained in writing, or be part of, and obtained at the start of, the recording, or
- (b) A distinctive recorder tone, repeated at intervals of approximately fifteen seconds, is required to alert all parties when the recording equipment is in use. The distinctive recording tone can be provided as part of (i) the recording equipment, or (ii) registered or protective circuitry.

When used by a Federal Communications Commission licensed broadcast station customer for recording of two-way telephone conversation solely for broadcast over the air and at least one of the following requirements are met:

- (c) The licensee informs each party to the call of its intent to broadcast the conversation; or
- (d) Each party to the call is aware of the licensee's intent to broadcast the call; or
- (e) Such awareness of the licensee's intent to broadcast the call may be reasonably imputed to the party.

#### (2) Exceptions

Exceptions to the foregoing are when recordings of calls made for patently unlawful purposes, such as bomb threats, kidnap ransom requests and obscene telephone calls. Outgoing calls made in immediate response to such calls are also excepted. Included in this exception are:

- (a) Recordings made by the United States Secret Service of the Department of the Treasury for recording of two-way telephone conversations which concern the safety and security of the person of the President of the United States, members of the immediate family, or the White House and its grounds.
- (b) When recordings are made of incoming calls to the telephone numbers publicized for emergencies involving health or safety of life and property (e.g. emergency situations involving fire, health care, police, public utilities and

emergency road service) and outgoing calls made in immediate response to such calls. Included in these exceptions are:

- Recordings made at the United States Department of Defense Command Centers of emergency communications transmitted over the Department of the Defense's private line system when connected to message telephone service or local exchange service, and
- Recordings made by the United States Nuclear Regulatory Commission of the Department of Energy with respect to the telephone systems located at its Operations Center for recording of two-way telephone conversations.

(c) When recordings of calls are made by federal, state or local law enforcement authorities or federal intelligence acting under color of law.

(d) When used on local private lines which have no connection with local exchange or message television services.

(3) Customer-provided voice recording equipment may not be connected with services of the Company for the recording of two-way telephone conversations by means of acoustic or inductive connection except when used as specified in (1) through 3(c) preceding.

#### C. Data or Facsimile Transmitting and Receiving Equipment

Customer-provided data transmitting and/or receiving equipment including facsimile or telephotograph equipment may be used in connection with message telephone service through a data set provided by the customer or by a local exchange company. Use of such service is available on a two-point basis.

#### D. Responsibility of the Customer

When message telephone service is furnished by the company for use in connection with customer-provided equipment, the operational characteristics of such equipment shall be such as not to interfere with any of the services offered by the Company. Such use is subject to the further provisions that the customer-provided equipment does not endanger the safety of Company's employees or the public; damage, require change in or alternation of, the equipment or other facilities of the Company; interfere with the proper functioning of such equipment or facilities; impair the operation of the telephone system or otherwise injure the public in its use of the Company's services. Upon notice from the Company that the customer-provided equipment is causing or is likely to cause such hazard to interference, the customer shall make such changes as shall be necessary to remove or prevent such hazard or interference.

#### E. Responsibility of the Company

(1) The Company shall not be responsible for the installation, operation or maintenance of the customer-provided equipment. When such equipment is connected to Company facilities, the responsibility of the Company shall be limited to the furnishing of facilities suitable for message telephone service and to the maintenance and operation of such facilities in a manner proper for such telephone service; subject to this responsibility. The Company shall not be responsible for (a) the transmission of signals generated by the customer-provided equipment or for the quality of, or defects in, such transmission, or (b) the reception of signals by customer-provided equipment.

(b) The Company shall not be responsible if changes in any of the facilities, operations or procedures of the Company render any customer-provided

equipment obsolete or require modification or alteration of such equipment or otherwise affect its use or performance.

**EFFECTIVE: February 23, 1993**