Federal Communications Commission § 14.34

parts 6, 7, or 14 of this chapter and
should be addressed to the Consumer
and Governmental Affairs Bureau. Any
party with a question about informa-
tion that should be included in a Re-
quest for Dispute Assistance should
e-mail the Commission’s Disability
Rights Office at dro@fcc.gov or call
(202) 418–2517 (voice), (202) 418–2922
(TTY).

(b) A Request for Dispute Assistance
shall include:

(1) The name, address, email address,
and telephone number of the party
making the Request (Requester);

(2) The name of the manufacturer or
service provider that the requester be-
lieves is in violation of section 255, 716,
or 718 or the rules in this part, and the
name, address, and telephone number
of the manufacturer or service pro-
vider, if known;

(3) An explanation of why the re-
quester believes the manufacturer or
service provider is in violation of sec-
tion 255, 716, or 718 or the rules in this
part, including details regarding the
service or equipment and the relief re-
quested, and all documentation that
supports the requester’s contention;

(4) The date or dates on which the re-
quester either purchased, acquired, or
used (or attempted to purchase, ac-
quire, or use) the equipment or service
in question;

(5) The Requester’s preferred format
or method of response to its Request
for Dispute Assistance by CGB or the
manufacturer or service provider (e.g.,
letter, facsimile transmission, tele-
phone (voice/TRS/TTY), email, audio-
cassette recording, Braille, or some
other method that will best accommo-
date the Requester’s disability, if any);

(6) Any other information that may
be helpful to CGB and the manufac-
turer or service provider to understand
the nature of the dispute;

(7) Description of any contacts with
the manufacturer or service provider
to resolve the dispute, including, but not
limited to, dates or approximate dates,
any offers to settle, etc.; and

(8) What the Requester is seeking to
resolve the dispute.

(c) CGB shall forward the Request for
Dispute Assistance to the manufac-
turer or service provider using the con-
tact details of the certification to be
filed pursuant to §14.31(b). Service
using contact details provided pursuant
to §14.31(b) is deemed served. Fail-
ure by a manufacturer or service pro-
vider to file or keep the contact infor-
mation current will not be a defense of
lack of service.

(d) CGB will assist the Requester and
the manufacturer or service provider in
reaching a settlement of the dispute.

(e) Thirty days after the Request for
Dispute Assistance was filed, if a set-
tlement has not been reached between
the Requester and the manufacturer or
service provider, the Requester may
file an informal complaint with the
Commission;

(f) When a Requester files an infor-
mal complaint with the Enforcement
Bureau, as provided in §14.34, the Com-
mission will deem the CGB dispute as-
sistance process closed and the re-
quester and manufacturer or service
provider shall be barred from further
use of the Commission’s dispute assist-
ance process so long as a complaint is
pending.

§ 14.33 Informal or formal complaints.
Complaints against manufacturers or
service providers, as defined under this
subpart, for alleged violations of this
subpart may be either informal or for-
mal.

§ 14.34 Informal complaints; form, fil-
ing, content, and consumer assist-
ance.

(a) An informal complaint alleging a
violation of section 255, 716 or 718 of
the Act or parts 6, 7, or 14 of this chapter
may be transmitted to the Enforce-
ment Bureau by any reasonable means,
including the Commission’s online in-
formal complaint filing system, U.S.
Mall, overnight delivery, or email. Any
Requests filed using a method other
than the Commission’s online system
should include a cover letter that re-
ferences section 255, 716, or 718 or the
rules of parts 6, 7, or 14 of this chapter
and should be addressed to the Enforce-
ment Bureau.

(b) An informal complaint shall in-
clude:
(1) The name, address, email address, and telephone number of the complainant;
(2) The name, address, and telephone number of the manufacturer or service provider defendant against whom the complaint is made;
(3) The date or dates on which the complainant or person(s) on whose behalf the complaint is being filed either purchased, acquired, or used or attempted to purchase, acquire, or use the equipment or service about which the complaint is being made;
(4) A complete statement of fact explaining why the complainant contends that the defendant manufacturer or provider is in violation of section 255, 716, or 718 of the Act or the Commission’s rules, including details regarding the service or equipment and the relief requested, and all documentation that supports the complainant’s contention;
(5) A certification that the complainant submitted to the Commission a Request for Dispute Assistance, pursuant to §14.32, no less than 30 days before the complaint is filed;
(6) The complainant’s preferred format or method of response to the complaint by the Commission and defendant (e.g., letter, facsimile transmissions, telephone (voice/TRS/TTY), email, audio-cassette recording, Braille, or some other method that will best accommodate the complainant’s disability, if any); and
(7) Any other information that is required by the Commission’s accessibility complaint form.
(c) Any party with a question about information that should be included in an Informal Complaint should email the Commission’s Disability Rights Office at dro@fcc.gov or call (202) 418–2517 (voice), (202) 418–2922 (TTY).

§ 14.35 Procedure; designation of agents for service.

(a) The Commission shall forward any informal complaint meeting the requirements of §14.34 of this subpart to each manufacturer and service provider named in or determined by the staff to be implicated by the complaint.
(b) To ensure prompt and effective service of informal and formal complaints filed under this subpart, every manufacturer and service provider subject to the requirements of section 255, 716, or 718 of the Act and parts 6, 7, or 14 of this chapter shall designate an agent, and may designate additional agents if it so chooses, upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. The agent shall be designated in the manufacturer or service provider’s annual certification pursuant to §14.31.

§ 14.36 Answers and replies to informal complaints.

(a) After a complainant makes a prima facie case by asserting that a product or service is not accessible, the manufacturer or service provider to whom the informal complaint is directed bears the burden of proving that the product or service is accessible or, if not accessible, that accessibility is not achievable under this part or readily achievable under parts 6 and 7. To carry its burden of proof, a manufacturer or service provider must produce documents demonstrating its due diligence in exploring accessibility and achievability, as required by parts 6, 7, or 14 of this chapter throughout the design, development, testing, and deployment stages of a product or service. Conclusory and unsupported claims are insufficient to carry this burden of proof.
(b) Any manufacturer or service provider to whom an informal complaint is served by the Commission under this subpart shall file and serve an answer responsive to the complaint and any inquiries set forth by the Commission.
(1) The answer shall:
   (i) Be filed with the Commission within twenty days of service of the complaint, unless the Commission or its staff specifies another time period;
   (ii) Respond specifically to each material allegation in the complaint and assert any defenses that the manufacturer or service provider claim;
   (iii) Include a declaration by an officer of the manufacturer or service provider attesting to the truth of the facts asserted in the answer;
   (iv) Set forth any remedial actions already taken or proposed alternative