

§ 301.2

47 CFR Ch. III (10–1–10 Edition)

§ 301.2 Definitions.

Act means Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109–171, 120 Stat. 4, 21 (Feb. 8, 2006).

Agency means the National Telecommunications and Information Administration of the United States Department of Commerce or its contractor.

Assisted living facility means a public facility, proprietary facility, or facility of a private nonprofit corporation that: is licensed by the State and makes available to residents supportive services to assist the residents in carrying out activities of daily living, such as bathing, dressing, eating, getting in and out of bed or chairs, walking, going outdoors, using the toilet, laundry, home management, preparing meals, shopping for personal items, obtaining and taking medication, managing money, using the telephone, or performing light or heavy housework, and which may make available to residents home health care services, such as nursing and therapy; and provides separate dwelling units for residents, each of which may contain a full kitchen and bathroom, and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the facility.

Certified retailer means a seller of Coupon-Eligible Converter Boxes directly to consumers that has met the requirements for certification and has been identified by NTIA as certified to redeem coupons.

Contingent funds means those funds referenced in Section 3005 (c)(3) of the Act.

Coupon means a voucher provided by the Agency to Eligible Households which only may be used to purchase a Coupon-Eligible Converter Box from a Certified Retailer.

Coupon-Eligible Converter Box (CECB) means a stand-alone device that does not contain features or functions except those necessary to enable a consumer to convert any channel broadcast in the digital television service into a format that the consumer can display on a television receiver designed to receive and display signals only in the analog television service. CECBs may also include remote control devices. CECBs must have the fea-

tures required by, and meet the technical performance specifications listed in Technical Appendix 1.

Department means the United States Department of Commerce.

Eligible household means those Households in the United States and its territories that make a valid request for a coupon pursuant to Rule 301.3 within the time period specified by NTIA, but no later than March 31, 2009.

FCC means the Federal Communications Commission.

State includes each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

Household consists of all persons who currently occupy a house, apartment, mobile home, group of rooms, or single room that is occupied as separate living quarters and has a separate U.S. Postal address. A household does not mean a Post Office Box.

Intermediate care facility means a proprietary facility or facility of a private nonprofit corporation or association licensed by the State for the accommodation of persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services.

Nursing home means a public facility, proprietary facility or facility of a private nonprofit corporation or association, licensed by the State for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

Nursing home resident means an individual who lives on a permanent basis at a Nursing Home, Intermediate Care Facility, or Assisted Living Facility. A Nursing Home Resident does not have a permanent address that is separate from the Nursing Home, Intermediate

Care Facility, or the Assisted Living Facility.

[72 FR 12116, Mar. 15, 2007, as amended at 73 FR 54333, Sept. 19, 2008]

§ 301.3 Household eligibility and application process.

(a) To apply for and receive a coupon, an Eligible Household must:

(1) Provide the name of the person submitting the request

(2) A Post Office Box will not be considered a valid mailing address unless the applicant supplies information to identify the physical location of the household, as required.

(3) Indicate the number of coupons requested, but no more than two coupons.

(b) As of January 1, 2008, requests for coupons may be submitted by mail, telephone or the Internet on forms provided by the Agency.

(c) Requests for coupons must be submitted to the Agency no later than July 31, 2009.

(d) Once Contingent Funds are available for the Coupon Program, only over-the-air households will be eligible. During the period in which Contingent Funds are available, households must certify that they do not receive cable, satellite, or other pay television service.

(e) A household may request one replacement coupon for each coupon that was issued to such household and that expired without being redeemed. A request for a replacement coupon must otherwise be made in accordance with this section.

(f) If the Agency deems it appropriate, NTIA may prioritize the distribution of coupons to households that have certified that they do not receive cable, satellite or other pay television service.

(g) If an applicant does not meet the above eligibility requirements, the request will be denied.

[72 FR 12116, Mar. 15, 2007, as amended at 73 FR 54333, Sept. 19, 2008; 74 FR 10688, Mar. 12, 2009]

§ 301.4 Coupons.

(a) The coupon value will be \$40 or the price of the CECB, whichever is less.

(b) Each Eligible Household will be limited to a total of two coupons.

(c) Two coupons may not be used in combination toward the purchase of a single CECB.

(d) Coupons will be sent to Eligible Households via the United States Postal Service or by other means as determined by the Agency.

(e) Coupons expire 90 days after the issuance date. Issuance date means the date upon which the coupon is placed with the United States Postal Service or the date upon which the Agency otherwise forwards the coupon to the requesting household.

(f) Consumers may not return a CECB to a retailer for a cash refund for the coupon amount or make an exchange for another item unless it is another CECB.

(g) The coupon has no cash value. It shall be illegal to sell, duplicate or tamper with the coupon.

[72 FR 12116, Mar. 15, 2007, as amended at 74 FR 10688, Mar. 12, 2009]

§ 301.5 Manufacturers' technical approval process.

(a) Manufacturers wishing to participate in the coupon program must submit a notice of intent to NTIA at least three months prior to submitting test results and sample models of converter boxes. Notices should be sent to DTV Converter Coupon Program, NTIA/OTIA, U.S. Department of Commerce, Room 4809, Washington, DC 20230, Fax Number 202-482-4626 and provide the name, title, address, and phone number of an individual responsible for the manufacturer's submission. The notice shall also include a brief description of the proposed converter box, including permitted as well as required features, and the date which the proposed converter box is expected to be available for testing.

(b) NTIA shall treat the notices of intent received as business confidential and proprietary information and will not release information from the notices of intent to the public unless otherwise required by law.

(c) The manufacturer will supply two production sample converter boxes to NTIA. NTIA will provide the manufacturer with mailing information in a