

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

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letter of acknowledgment after NTIA receives the notice of intent.

(d) Each model proposed to be a CECB shall meet the performance specification and features set forth in Technical Appendix 1 of this Section. Each model proposed may also include “permitted” features set forth in Technical Appendix 2, but shall not include “disqualifying” features set forth therein.

(e) NTIA may issue other guidance or test-bed conditions and it is the manufacturer’s responsibility to conduct tests pursuant to any guidance so provided. A manufacturer shall conduct its own tests or have a qualified independent third party conduct the tests.

(f) Reports of test conditions and test results must be clear and comprehensive so that they can be easily interpreted by NTIA and others reviewing them. The FCC may test converter boxes, if requested by NTIA.

(g) Test results shall be submitted to NTIA along with a certification of the testing supervisor as to their authenticity, completeness and accuracy based on personal knowledge.

(h) NTIA will provide prompt notice to the individual submitting test results whether the model has met technical approval and is or is not a CECB. NTIA will base its decision whether to approve each converter box upon consultation with the FCC.

(i) A list of CECBs, including make and model number, will be maintained by NTIA and regularly distributed to participating retailers for use in electronic Point-of-Sale (POS) systems.

(j) It is the responsibility of the manufacturers to resolve any performance or product defect issues with consumers and retailers.

(k) NTIA shall not warrant the performance, suitability, or usefulness of any CECB for any use.

§ 301.6 Retailer participation.

Retailer participation is voluntary. NTIA encourages retailers to participate in the Coupon Program and to cooperate with NTIA and its contractor in the administration of an effective and efficient program resulting in high customer satisfaction with a minimum of waste, fraud and abuse.

(a) Retailer Obligations: Certified Retailers are required to redeem valid coupons toward the purchase of CECBs, and

(1) Must have systems in place that are capable of electronically processing coupons for redemption and payment, tracking each and every transaction, and generating reports that are easily auditable.

(2) Must train employees on the purpose and operation of the Coupon Program. NTIA or its contractor will provide training material.

(3) Will not be responsible for checking consumer or household eligibility but shall report to NTIA suspicious patterns of customer behavior.

(4) Use commercially reasonable methods to order and manage inventory to meet customer demand for CECBs.

(5) Must provide transaction reports based on NTIA’s requirements. Reports must be maintained by the retailer for at least one year. Business confidential and proprietary information shall not be disclosed to the public unless otherwise required by law.

(b) Retailer Certification:

(1) Retailers seeking to participate in the Coupon Program must apply for certification by contacting NTIA between June 1, 2007 and March 31, 2008.

(2) Retailers must complete the form provided by the Agency which requires the retailers to self certify that they:

(A) Have been engaged in the consumer electronics retail business for at least one year unless waived for good cause by NTIA. Good cause will be determined upon a showing by the retailer that participation would be in the best interest of the program. NTIA will issue a written determination as to whether a retailer has made a sufficient showing of good cause to waive this requirement;

(B) Have completed a Central Contractor Registration (www.ccr.gov);

(C) Have in place systems or procedures that can be easily audited as well as systems that can provide adequate data to minimize fraud and abuse in retail redemption and government payment for coupons;

(D) Agree to have coupon box sales audited at any time during the term of participation in the coupon program by