



TIA Procedures for American National Standards (PANS)

November 15, 2013

1st Edition

Reaccreditation under these procedures by ANSI approved on January 29, 2014

Issued with PANS Advisory Note -001 on May 1, 2014

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Document History for Information

(This content is provided for information and is not considered part of the procedures.)

The first-ever TIA *Engineering Manual* was issued December 6, 1991 and supplemented with various Advisory Notes until May 31, 2001. The 2nd Edition was approved and released on June 1, 2001. The 3rd Edition, released in July of 2002, incorporated required changes per the American National Standards Institute Subcommittee on Accreditation. The 4th Edition, released in March of 2005, responded to changes required as a result of recommendations following TIA's 2003 ANSI audit and direction from the ANSI Executive Standards Council (ExSC). The 5th Edition, released in October of 2009 with several Advisory Notes subsequently issued later, responded to changes required as a result of recommendations following TIA's 2008 ANSI and 2012 special audit.

After these multiple modifications, the TIA Technical Committee directed the Engineering Manual Ad Hoc to construct a new document specific to American National Standards development. This effort resulted in the creation and approval by the TIA Technical Committee of the 1st Edition of the *TIA Procedures for American National Standards* (subsequently referred to as "this document") on October 24, 2013, with final edits and review completed on November 15, 2013. Other content from the 5th Edition, which was not specific to American National Standards development, is retained in a separate, new document.

Significant modifications to the content related to American National Standards development from the 5th Edition include, but are not limited to:

- Re-titled this document (and changed references to this document) to the "*TIA Procedures for American National Standards*" to more appropriately indicate the content, and established this as the first edition
- Replaced references to "this Manual" to "this document" in order to reflect the change in title (these changes are not substantive)
- Updated interest categories, including removing "User/Producer" (Section 1.3 and ANNEX A)
- Added, edited or rearranged content throughout to more closely match content in the ANSI *Essential Requirements*
- Consolidated content into annexes for the Intellectual Property Policy and Legal Guidelines, but did not make any substantive change to this content
- Included a requirement for outreach when balance is not obtained (Section 1.3)
- Modified the approval mechanism for changes to this document from "balloting" to "approving" (Section 1.9)

- Edited text to indicate that meeting agendas can serve as meeting notices (Section 1.1)
- Incorporated the ANSI PINS exceptions, which removed the requirements for ANSI PINS forms for a reaffirmation or withdrawal of an ANS (Section 1.5.1.1)
- Allowed 30-day and 60-day Ballots (Section 1.5.2)
- Removed the “letter” nomenclature distinction of a “letter ballot” (throughout)
- Removed the requirement to Ballot a withdrawal of an ANS (Section 3.2.1.3.2)
- Removed a requirement to acknowledge and submit comment resolutions to the submitter of approve or approve with comment ballot votes – it is now allowed but not required (Section 1.6.2)
- Removed requirement to issue a registered letter for vote change/verification requests over 5 days old (Section 1.6.2)
- Replaced “simple majority” and “≥51%” benchmarks with “more than half” (Section 1.7 and ANNEX A)
- Added content to allow for the continuous maintenance and stabilized maintenance options (Sections 3.7.2 and 3.7.3)
- Added content to allow for Provisional ANS and Provisional Addenda of an ANS (ANNEX B)
- Removed non-ANS requirements for Evidence of Compliance (Section 2.3)
- Clarified the requirements for approval of errata (Section 3.2.1.1)
- Clarified requirements for reaffirmation Ballot comments and resolution (Section 3.2.1.2)
- Added reference for procedures for Nationally Adopted International Standards (Section 3.6)
- Updated definitions to those pertinent to ANS and this document (ANNEX A)
- Improved consistency in the usage of several terms, such as Formulating Group, TIA Standards Department, etc.
- Capitalized use of some words and phrases (e.g. Association, Ballot, Consensus Body, Formulating Group, Interest Category, Member, and Participant) to indicate usage in a manner consistent with the specific definition in ANNEX A

In May 2014, the TIA *Procedures for American National Standards* was modified (PANS Advisory Note -001) as follows upon approval of the TIA *Intellectual Property Rights (IPR) Policy* and TIA *Intellectual Property Rights Guidelines*.

- Annex D was updated to refer to the TIA IPR Policy.
- Annex C (Intellectual Property Rights Policy) was deleted.
- Annex D (TIA Legal Guides) became Annex C and references in the document were updated accordingly.
- Section C.1.1 from the TIA *Intellectual Property Rights Guidelines* was inserted into the new Annex C as section C.1.2.3.

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Foreword

A major function of the Telecommunications Industry Association (TIA) is the writing and maintenance of voluntary industry standards and specifications, the formulation of positions for presentation on behalf of the United States in international standards fora, and the preparation of technical information and reports for use by industry and government. These activities are carried out by the Member and Participant volunteers of the Formulating Groups (TIA Engineering Committees and their sub-elements).

Specific responsibility for overseeing the Formulating Groups and the TIA Standards Department has been assigned by the TIA Board of Directors to the TIA Technical Committee, one of the standing committees established by the Board under the provisions of the bylaws of the Association.

Special legal requirements apply to the writing of standards. Because of this, the writing of standards and specifications is administered and supported by the TIA Standards Department, which also coordinates the technical program and provides a unified interface with the American National Standards Institute (ANSI) and other Standards Developers (SDs).

1.0 REQUIREMENTS FOR DUE PROCESS & BENCHMARKS

These requirements apply to activities related to the development of consensus for approval, revision (including addenda), reaffirmation, and withdrawal of American National Standards (ANS).

1.1 Openness

Participation is open to any person or company (or comparable body) that has a direct and material interest within the respective scope of the Formulating Group.

TIA Membership is not a prerequisite to voting in a Consensus Body. The TIA Standards Department will provide the participation fees involved, if any, and the rules for participation pertinent to Participant (non-Member) companies (or comparable bodies) and government entities.

Timely and adequate notice of any action shall be provided, normally via the meeting agenda. The meeting notice (or agenda if the notice is included) shall normally be released at least two weeks prior to the first day of the meeting and contain information on how to contact the Formulating Group Chair or TIA Standards Department for more information.

Meetings that do not fulfill these notification requirements can still be held; however, the results of the meeting are advisory and shall be contributed to the next meeting that fulfills the notification requirements.

The agenda shall include the actions to be discussed, provide a clear and meaningful description of the purpose of the activity, and clearly indicate any substantive actions to be voted upon at the meeting. Examples of such actions include but are not limited to the following.

- (1) Initiation of a project to create, revise (including amend), reaffirm or withdraw an ANS
- (2) Establishment of a new Formulating Group or Consensus Body

For more information on notification of standards activity, see Section 1.5.

Upon request sent to the TIA Standards Department, a list of Consensus Body Members and Participants, with affiliation and Interest Category, shall be made available.

1.1.1 Working Language

The working language for all Formulating Groups and sub-elements shall be English.

1.2 Lack of Dominance

All appropriate interests that might be directly and materially affected by the standards activity of a Formulating Group shall have the opportunity for fair and equitable participation without dominance by any single Interest Category, individual or organization.

Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

No one company (or comparable body) should dominate the Formulating Group leadership positions. Accordingly, Vice-Chairs shall not be from the same Member or Participant as the Chair.

Unless it is claimed in writing (including electronic communications) by a directly and materially affected party that a single interest category, individual or organization dominated the ANS development process, no test for dominance is required.

1.3 Balance

The ANS development process should have a balance of interests. Participation by diverse Interest Categories (see ANNEX A) shall be sought with the objective of achieving balance.

If a Consensus Body lacks balance in accordance with the historical criteria for balance, and no specific alternative formulation of balance has been approved by the ANSI Executive Standards Council (ExSC), outreach to achieve balance shall be undertaken.

Historically the criteria for balance are that a) no single Interest Category constitutes more than one-third of the membership of a Consensus Body dealing with safety-related standards or b) no single Interest Category constitutes a majority of the membership of a Consensus Body dealing with other than safety-related standards.

The interest categories appropriate to the development of consensus in any given standards activity are functions of the subject of the ANS being developed. The voting representative may select his/her Interest Category as appropriate to each ANS being developed.

The established TIA interest categories (see ANNEX A) are: (a) Producer, (b) User, and (c) General Interest.

Whenever possible, user participants shall be those with the requisite technical knowledge, but other users may also participate.

1.4 Coordination and Harmonization

Good faith efforts shall be made to resolve potential conflicts between and among an existing ANS and a candidate ANS.

1.4.1 Definition of Conflict

Conflict within the ANS process refers to a situation where, viewed from the perspective of a future implementer, the terms of one standard are inconsistent or incompatible with the terms of the other standard such that implementation of one standard under terms allowable under that standard would preclude proper implementation of the other standard in accordance with its terms.

NOTE: An interested party may at any time request the withdrawal for cause of an existing ANS in accordance with ANSI procedures.

A “good faith” effort shall require substantial, thorough and comprehensive efforts to harmonize a candidate ANS and existing ANS. Such efforts shall include, at minimum, compliance with all relevant sections of these procedures (see, for example, Sections 1.1, 1.4, 1.5, 1.6 and 3.3). The TIA Standards Department shall retain evidence of such efforts in order to demonstrate compliance with this requirement.

1.4.2 Coordination/Harmonization

TIA shall make a good faith effort to coordinate standardization activities intended to result in harmonized American National Standards.

1.5 Notification of Standards Development and Coordination

Notification of standards activity shall be announced in suitable media as appropriate to demonstrate an opportunity for participation by all directly and materially affected persons.

During the development of an ANS, the TIA Formulating Group is encouraged to review and compare the proposed technical content with any similar International Organization for Standardization (ISO) Standards, International Electrotechnical Commission (IEC), ISO/IEC or ISO/IEC JTC-1 standard and advise the relevant ANSI-Accredited U.S. TAG(s) if the standard is intended to be submitted for consideration as an ISO, IEC,

ISO/IEC JTC-1 standard. The TIA Standards Department staff can provide information on how a draft ANS may be reviewed by these groups.

1.5.1 Project Initiation and Notification

A Formulating Group may approve a new ANS project at a meeting with approval by more than half of the Members and Participants.

For each new ANS project, a Formulating Group must establish the project by submitting the appropriate project authorization forms to the TIA Standards Department.

Upon TIA's assignment of a document number, the TIA Standards Department shall announce project information and provide project information to persons or organizations believed to be affected by the finished ANS, affording them the opportunity to participate in the ANS development process.

For any new ANS project or any revision to ANS project, the TIA Standards Department shall submit an ANSI *Project Initiation Notification System (PINS) Input Form*, or its equivalent, to ANSI.

If, during the ANS development process, there is a change in the stakeholders who are likely to be directly impacted by the ANS, then the Formulating Group shall notify the TIA Standards Department, who shall submit a revised ANSI PINS form, or its equivalent, to ANSI.

Comments received in connection with an ANSI PINS announcement shall be handled in accordance with these procedures (see Section 1.5.1.2).

If requested by the Formulating Group, then TIA shall include a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard as part of the information provided to ANSI.

1.5.1.1 PINS Exceptions

An ANSI PINS form is not required, and thus not normally submitted, at the initiation of a project to reaffirm or to withdraw an ANS, but the ANSI PINS form may be submitted if requested by the Formulating Group or desired by the TIA Standards Department.

An ANSI PINS form is not required for revisions of an ANS that is maintained under continuous maintenance (see Section 3.7.2) and:

- (1) is registered as such on the ANSI website,

- (2) has a notice in the standard that indicates that the standard is always open for comment with instructions on how to submit comments, and,
- (3) has information on the TIA website that the standard is under continuous maintenance with instructions on how to submit comments.

An ANSI PINS form is not required in connection with the decision to maintain an ANS under the stabilized maintenance option (see Section 3.7.3).

1.5.1.2 Assertions of Conflict or Duplication

For a candidate ANS, if written comments are received within 30 days from the publication date of an ANSI PINS announcement in *ANSI Standards Action*, and said comments assert that the candidate ANS duplicates or conflicts with an existing ANS or a candidate ANS that has been previously (or concurrently) announced in *ANSI Standards Action*, a mandatory deliberation of the representatives from the relevant stakeholder groups shall be organized by TIA and held within 90 days from the comment deadline to discuss whether there is a compelling need for the candidate ANS. If the deliberation is not completed within this period, TIA shall submit evidence of the good faith effort to schedule and organize the deliberation and request that ANSI excuse TIA from this requirement. The deliberation or an approved excuse request from ANSI shall be completed before the proposed ANS is submitted for public review.

Evidence of this deliberation (the “deliberation report”), and any subsequent deliberations, shall be submitted to the commenter and to ANSI within 30 days after the conclusion of the deliberation. After the deliberation report is submitted, the draft may be submitted for public review. Any actions agreed upon from the deliberation(s) shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the conclusion of the deliberation. All deliberation reports shall be provided to ANSI when the proposed ANS is submitted for final ANSI Board of Standards Review (ANSI BSR) approval.

1.5.2 Public Review

When directed by the Formulating Group via a TIA Ballot Authorization Form or its equivalent, the TIA Standards Department shall inform ANSI (by use of an ANSI BSR-8 form, or its equivalent) of the opportunity for public comment on the proposed ANS (new, revision, or reaffirmation).

The Formulating Group, with approval by the TIA Standards Department, may request a 30-day, 45-day or 60-day minimum public comment period subject to the following conditions.

- (1) A minimum of 30 days if the full text of the revision(s) can be published in *ANSI Standards Action* (normally less than or equal to five pages of content)
- (2) A minimum of 45 days if the document is available in an electronic format, deliverable within one (business) day of a request
- (3) A minimum of 60 days, if neither of the aforementioned options is applicable

NOTE: See ANNEX B for provisional ANS and provisional addenda to ANS.

Unless otherwise requested, TIA shall submit a request for a 45-day public comment period and meet the respective requirements for document availability.

Any substantive change to a proposed ANS resulting from the public comment period shall be resubmitted to ANSI for public review and for listing in *ANSI Standards Action*.

The ANS shall not be submitted for ANSI BSR approval prior to the close of the ANSI public comment period.

1.6 Consideration of Views and Objections

Prompt consideration shall be given to all comments on a proposed ANS as follows.

1.6.1 Public Comments

Outside interested parties are afforded the opportunity to submit comments and objections on the proposed ANS through the public comment period. Such objections shall be treated as comments on a Ballot identified as the reason for a “do not approve with comments” vote.

1.6.2 Comment Review and Resolution

Comments on the proposed ANS shall be addressed via the Formulating Group’s comment resolution process, usually at the next scheduled meeting of the Formulating Group where quorum is established.

An effort shall be made to resolve all expressed objections that are accompanied by comments related to the proposed ANS under consideration, whether from the public review or submitted with a vote on a Ballot. The submitter of each objection shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons for that disposition.

If the Ballot and public comment period close and the vote shows consensus in favor of adoption of the proposed ANS (see Section 1.7), and there are no substantive changes resulting from the Formulating Group comment resolution and no unresolved (not

satisfied and not withdrawn) objections, then the Formulating Group may proceed with approval of the ANS.

If the Formulating Group comment resolution process results in any substantive (technical) change(s) or if any unresolved objection remains after the completion of the comment resolution, the proposed ANS shall be resubmitted for public comment period and for Ballot in order to allow all members of the Consensus Body an opportunity to respond, reaffirm, or change their vote. The Formulating Group may resubmit the proposed ANS in its entirety, or in a manner (referred to as a “default Ballot”) that is limited to the substantive changes and unresolved objections (those objections that are not satisfied and are not withdrawn) in which case new objections may not be raised to other content in the proposed ANS.

The following information shall be included with all default Ballots of an ANS:

- (1) a summary page of the substantive changes made to the document, or the document in its entirety with substantive changes clearly marked, or only the changed pages with the substantive changes clearly marked; and
- (2) a copy of all unresolved (not satisfied and not withdrawn) objections with the resolution, the attempts at resolution, and the reasons for that resolution.

If the resubmitted Ballot and associated public comment period close and the vote shows consensus in favor of adoption of the proposed ANS (see Section 1.7), and there are no substantive changes resulting from the Formulating Group comment resolution or any new unresolved (not satisfied and not withdrawn) objections, then the Formulating Group may proceed with approval of the ANS.

If unresolved (not satisfied and not withdrawn) objections remain at the conclusion of the Formulating Group comment resolution of the resubmitted Ballot and the Formulating Group approves the ANS, each submitter of such objections shall also be informed in writing (including electronic communications) that an appeals process exists. Each such objection shall be reported to the ANSI BSR. Additionally, full documentation of such objections and of the efforts to resolve them shall be recorded, normally with the comment resolution summary, and provided to the TIA Standards Department for submission to the TSSC for review and consideration and action as it deems appropriate.

A “do not approve with comments” vote on any Ballot from a member of the Consensus Body shall not be changed unless instructed to do so by that member.

Comments from the public review concerning potential conflict or duplication of the proposed ANS with an existing ANS, and “do not approve with comment” votes accompanied by comments of a procedural or philosophical nature, shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the objection. Such comments shall be reviewed in the Formulating Group comment resolution process.

Comments from the public review that are not related to the proposed ANS under consideration, and “do not approve with comment” votes submitted without comments, will not normally be considered and may be recorded as “disapprove without comments” without further notice to the submitter. Such votes shall not be factored into the numerical requirements for consensus. The objection shall be recorded as a “disapprove without comment” with the final submittal to the ANSI BSR.

Timely comments that are not related to the proposed ANS under consideration shall be documented, usually in the Formulating Group meeting report, and considered in the same manner as submittal of a new proposal. The submitter of such comments shall be so notified.

The Formulating Group may, but is not required to, consider any comments received subsequent to the closing of the public comment period. Comments that are not so addressed shall be considered in the same manner as a new proposal.

1.7 Consensus Vote

Evidence of consensus in accordance with these requirements shall be documented.

Consensus Body voting is accomplished by Ballot. Each eligible company (or comparable body) represented shall have one vote on any Ballot.

Consensus Body votes shall be cast by those registered to vote on the proposed ANS as follows. Any one individual from each eligible participating company (or comparable body) will be allowed to register to vote on a Ballot as the designated voting representative (opt-in via the “auto-register” option, or opt-in for selected Ballots via the “document-by-document” option). Other representatives from each eligible participating company (or comparable body) may also select Ballot options of “for information only” (opt-out) or as “none” (opt-out) for each Ballot.

Auto-register: This option designates an individual of a participating company (or comparable body) to be the voting representative for every Ballot from a

Formulating Group. This is a voting option, and the individual's participating company (or comparable body) is listed as an eligible voter for these Ballots.

Document-by-document: This option, usually exercised when a participating company (or comparable body) has multiple individuals participating in a Formulating Group, enables any one individual from the participating company (or comparable body) to register as the voting representative for the (one) Ballot. All of the representatives are informed of the Ballot, and they are allowed to designate the voter, if any, for each Ballot. This enables a participating company (or comparable body) to identify the most appropriate expert as the voting representative for a Ballot. Thus, when any one representative is designated as the voting representative for the Ballot, the individual's participating company (or comparable body) is listed as an eligible voter for the Ballot. If no participating company (or comparable body) individual is designated as the voting representative for the Ballot, then the participating company (or comparable body) is not eligible to vote on this Ballot (in effect, this option is equivalent to not participating on the Ballot as there is no voting representative).

For information only: This option is usually selected by participating company (or comparable body) individuals who are only interested in seeing the Ballot announcements and documents, but have declined any option to vote on the Ballot. The participating company (or comparable body) is not eligible to vote if all individuals from that company (or comparable body) are in "for information only" or "none" status, as there is no voting representative.

None: This option is allowed for participating company (or comparable body) individuals that do not want to be informed of any Ballots. The participating company (or comparable body) is not eligible to vote if all individuals from that company (or comparable body) are in "none" or "for information only" status, as there is no voting representative. This is the only status for which individuals are not notified of the Ballot.

Each designated voting representative of a Consensus Body should vote one of the following on a Ballot:

- (1) Approve (Affirmative)
- (2) Approve, with comment (Affirmative)
- (3) Do Not Approve, with comment (Negative or Objection)

NOTE: the reasons for a "do not approve" vote shall be given and should include specific wording or actions that would resolve the objection

- (4) Abstain

To demonstrate consensus on an ANS via Ballot, two criteria must be met:

- (1) More than half of the registered voters must return a ballot (a returned ballot indicating abstention shall be counted as a returned ballot).
- (2) More than half of those ballots (excluding abstentions) are required to vote in the affirmative (approve, or approve with comment).

1.8 Appeals

Procedures in this document provide for the impartial handling of procedural appeals regarding any action or inaction. Procedural appeals include whether a technical issue was afforded due process.

Appeals shall be made to TIA as follows. Appeals to ANSI, if desired, may be submitted upon completion of the TIA appeals process.

1.8.1 Appeals to TIA

1.8.1.1 Procedural Complaint to TIA

At any point in the ANS development process when a directly or materially affected person believes a technical issue was not afforded due process, the person with the complaint should feel free to bring the matter to the attention of the TIA Standards Department within 30 days. TIA staff shall take prompt action to investigate the complaint with all parties concerned and render a fair, unbiased decision expeditiously to address the concerns. If after investigating the matter, the complaint is sustained, staff will take appropriate action to correct the problem.

If the matter requires a clarification or interpretation of this document, an Advisory Note may be issued after approval by the Technical Committee.

If the complaint involves actions that staff took or failed to take, then such a complaint can be directed to the TIA Technical Committee Chair or the TIA President for investigation and appropriate action.

1.8.1.2 Appealing the Development, Revision, Reaffirmation or Withdrawal of an ANS to TIA

Persons who have directly and materially affected interests and who feel that they have been or will be adversely affected by the revision, reaffirmation or withdrawal of an existing ANS, or by the development of a proposed ANS, within the jurisdiction of TIA do have the right to formally appeal substantive or procedural actions or inactions of the TIA Standards Department and its Formulating Groups.

1.8.1.2.1 Complaints

The Appellant shall file a written complaint with the TIA Standards Department within 30 days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the section(s) of these procedures or the standard(s) that are at issue, actions or inactions that are at issue, and the specific remedial action(s) that would satisfy the Appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall also be noted. A copy of the complaint shall be served on the Respondent by the Appellant concurrent with the filing at TIA.

1.8.1.2.2 Response

Within 30 days after receipt of the complaint, the Respondent (TIA, Formulating Group Chair or Department representative) shall respond in writing to the Appellant, specifically addressing each allegation of fact in the complaint to the extent of the Respondent's knowledge. A copy of the response shall be filed with the TIA Standards Department.

No further filings beyond the Complaint and Response are allowed unless an Appeals Panel authorizes additional filings.

1.8.1.2.3 Hearing

If the Appellant and the Respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, the TIA Standards Department shall schedule a hearing with an Appeals Panel if requested to do so by the Appellant, and provided the Appellant has paid a reasonable Appeals Fee of \$1,000, to TIA. If the Appellant can demonstrate economic hardship for the payment of the Appeals Fee, TIA will give fair consideration to granting either an Appeals Fee reduction or waiver. Each side shall bear its own attorney's fees incident to the Appeal. Typically, such hearings will be held within three months after filing of the Response or any additional documents permitted by the Panel. The hearing shall be on a date agreeable to all participants and the Appeals Panel on at least ten (10) business days' notice.

1.8.1.2.4 Appeals Panel

TIA will provide to Appellant a list of individuals who have agreed to be considered as candidates to serve on the Appeals Panels and who have not been directly involved in the matter in dispute and who will not be materially or directly affected by any decision made or to be made in the dispute. This list will include individuals with standards experience. The Appeals Panel shall consist of three individuals. At least two members of the Appeals Panel shall be acceptable to the Appellant, and at least two shall be

acceptable to the Respondent. A questionnaire, or equivalent, seeking background information and potential bias shall be served on possible candidates for the Appeals Panel. Copies of the completed questionnaires shall be delivered to the parties to the Appeal. Initially, each side, starting with the Appellant, shall alternately strike a name from the list, until only one remains and that candidate shall be the Chair of the Appeals Panel and the member acceptable to both sides. After that member is chosen, each side will select one additional member from the list. Members of the Appeals Panel will be compensated for their reasonable expenses and time in preparation for and during their attendance at the Hearing and for time spent on the decision phase of the Appeal.

In preparation for the Hearing, each member of the Appeals Panel will be provided the Complaint filed and Response filed, along with a copy of this document, Advisory Notes, and the record of the matter at issue. No other filings are allowed unless authorized by a majority of the Panel. The Appeals Panel may serve questions on the Respondent or Appellant before the Hearing to help focus the issues. Each side can file a brief Response not in excess of five pages in length to any Answers provided by the other side in accordance with the schedule established by the Panel.

No party shall communicate with any member of the Appeals Panel (except by invitation of the Panel, upon notice therefore to all parties) except for presentations at a Hearing as provided in these rules.

1.8.1.2.5 Conduct of Hearing

The Appellant has the burden of demonstrating improper actions or inactions complained of, adverse effects of such improper actions or inactions, and the efficacy of the requested remedial action. If the Appellant has met its burden, the Respondent has the burden of demonstrating that the Formulating Group, Chair, TSSC, and the TIA Standards Department took all actions in compliance with the version of these procedures in effect during the time period in question and that the requested remedial action would be ineffective, detrimental or is otherwise unwarranted.

The hearing shall be conducted in an informal manner and subject to such rules as the Appeal Panels may determine. The Appeals Panel and the parties shall not be bound by any formal rules of evidence.

Each party may have up to 5 persons in attendance at the Hearing.

Each party shall present its views through a person of its choosing, without interruption for up to one hour, saving a part of the time for rebuttal if desired. The Appellant shall go first. Members of the Appeals Panel shall then have up to thirty minutes of questions

directed to each side, 30 minutes each side. Parties may suggest questions that they believe the Panel should ask the other side, but all questions must come from the Panel and there shall be no cross-examination or direct questioning or interruption of one side by the other. After a recess of one hour, the Respondent shall deliver a Closing Statement for not more than 15 minutes in length followed by a Closing Statement of the Appellant. The Panel may again pose questions to either side for 30 minutes total. Each side will then have 5 minutes for a Summation, starting with the Appellant. The Chair of the Panel shall enforce the time limits.

Representatives of other interested parties shall be allowed to observe the Hearing and will not be allowed to directly participate, except with the permission of the Appeals Panel.

Any documents requested by the Appeals Panel during the Hearing shall be provided to the Chair of the Panel within 10 days of the Hearing.

Closing briefs shall be filed only if specifically requested by the Appeals Panel and in time frame requested.

1.8.1.2.6 Decision

The Appeals Panel shall render its decision by majority vote and in writing within 30 days of the Hearing, stating findings of fact and conclusions, with reasons therefor, based on a preponderance of the evidence. The decision shall reference the controlling sections of this document.

Consideration may be given to the following positions, among others, in formulating the decision.

- (1) Finding for the Appellant, remanding the action to the Committee or the department with a specific statement of the issues and facts in regard to which fair and equitable action was not taken.
- (2) Finding for the Respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the Appellant and the Appellant's objections.
- (3) Finding that new, substantive evidence has been introduced, and remanding the entire action to the Committee or the TIA Standards Department for the appropriate reconsideration.

1.8.2 Right to Further Appeal to ANSI

If the matter under appeal relates to a TIA standard or specification that has been recognized as an ANS, further appeal may be made directly to ANSI in accordance with its procedures.

1.9 Written Procedures

This document governs the methods, normative policies, and administrative procedures for the development process for an American National Standard (ANS) of the Telecommunications Industry Association.

This document shall be made available to any interested party upon request.

All activities must be conducted within the Legal Guides established by the Association (see ANNEX C).

From time to time this document may require modification as a result of changes in ANSI procedures, issues discovered during an ANSI audit, problems with a particular section, or the normal review of processes and procedures to make the ANS development process more efficient and effective.

Proposed modifications should be brought to the attention of the TIA Standards Department or the TIA Technical Committee Chair. Proposed modifications shall be drafted by a person, or an ad hoc group designated by the TIA Technical Committee Chair. Proposed modifications shall be circulated among members and participants of the TSSC for comments and suggestions, and then submitted to the Technical Committee for approval. Upon approval, the updated document or the Advisory Note shall be effective within TIA, and shall be sent to ANSI for review and approval. Comments from ANSI review shall be considered by the Technical Committee or an ad hoc group designated by the Technical Committee. Proposed modifications resulting from ANSI review shall be handled in the same manner as other proposed modifications.

1.10 Compliance with Normative ANS Policies and Administrative Procedures

As an ANSI-Accredited Standards Developer, TIA is expected to comply with the normative policies and administrative procedures for ANS development as established by the ANSI ExSC or its designee.

2.0 NORMATIVE ANS POLICIES

TIA shall comply with the normative American National Standards Policies.

2.1 Inclusion of Patents in ANS

The ANS development and approval process is made more efficient if the existence of Essential Patent(s) and published pending patent application(s) are made known as early as possible in the development work (see ANNEX C). Early disclosure affords the Formulating Group the greatest opportunity to evaluate the propriety and desirability of the text of the proposed standard in view of the disclosed patented technology. Conversely, the discovery at the final stages of standards development of an Essential Patent(s) or published pending patent application(s) that is not available for licensing under reasonable and non-discriminatory terms may result in the loss of years of Committee effort.

There is no objection in principle to drafting an ANS in terms that include the use of an essential patent claim (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach. If TIA receives a notice that a proposed ANS or an approved ANS may require the use of such a patent claim, the procedures in ANNEX C shall be followed.

2.2 Commercial Terms and Conditions

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an ANS.

TIA Formulating Groups are expected to limit themselves to technical matters, and to leave commercial considerations to others.

The TIA Formulating Groups shall confine their activities to the preparation of standards and specifications, and to other documents and technical matters. The Formulating Groups shall conduct their activities in strict compliance with the policies, rules and procedures set forth in this document and with the Legal Guides in ANNEX C of this document.

2.3 Evidence of Compliance

TIA shall retain records to demonstrate compliance with all aspects of TIA and ANSI procedures. Such records shall be available for audit as directed by the ANSI ExSC.

2.3.1 New, Revised or Reaffirmed ANS Maintained under the Periodic Maintenance Option

Records shall be retained for one complete standards cycle, or until the ANS is revised.

2.3.2 New, Revised or Reaffirmed ANS Maintained under the Continuous Maintenance Option

Records shall be retained for a minimum of five (5) years or until approval of the subsequent revision or reaffirmation of the complete ANS.

2.3.3 ANS Maintained Under the Stabilized Maintenance Option

Records shall be retained until the ANS is reaffirmed, revised, or subsequently reviewed in connection with the stabilized maintenance of the ANS as an ANS.

2.3.4 Withdrawal Records

Records concerning withdrawals of an ANS shall be retained for at least five years from the date of withdrawal or until the next scheduled audit is complete, whichever occurs first.

2.4 Metric Policy

The International System of Units (SI) shall be used in ANS. Dual dimensioning can be used if explained in the foreword or introduction of the ANS.

2.5 Interpretations Policy

When a member of the public, having a direct and material interest in an ANS, wishes a formal interpretation of any provisions of the ANS, he or she may submit the request in writing to the TIA Standards Department for a formal interpretation. The request should include, as a minimum, the following information.

- (1) The name, address, email and telephone number of the person requesting the interpretation
- (2) A statement demonstrating the requestor's direct and material interest in the document
- (3) The number, issue, and issue date of the document in question
- (4) A statement of the question(s)

Upon receipt of a written request, the TIA Standards Department will review the request for proper form, contacting the requester if necessary. The TIA Standards Department will then forward the request to the Chair of the appropriate Formulating Group. The TIA Standards Department will consult with the TSSC and appropriately route the request to appropriate subject matter experts within TIA's existing structure of Formulating Groups if the appropriate Formulating Group no longer exists.

The Formulating Group Chair shall acknowledge receipt of the request in writing (including electronic communications) to the requester and should provide an estimate of the time required for response to the request. The Chair shall place the request on

the agenda of the next regularly scheduled meeting of the Formulating Group and distribute copies of the request to the Formulating Group. The Chair may add his or her own comments if desired.

The Formulating Group shall attempt to form a consensus on a reply to the requester. The reply may include clarifying explanations or other comments of the Formulating Group. If a consensus is formed, the Formulating Group Chair shall forward the agreed-upon reply to the TIA Standards Department for formal transmittal to the requester.

Formal interpretations may be provided on proposed ANS (drafts), but are not required.

Other, informal, inquiries on a published ANS may be directed to the Chair of the appropriate Formulating Group for disposition.

3.0 NORMATIVE ANS ADMINISTRATIVE PROCEDURES

TIA Standards Department staff is expected to comply with the administrative and processing requirements for ANS.

3.1 Accreditation of TIA

The TIA Standards Department is expected to maintain procedures and practices for ANS development to meet the ANSI criteria for accreditation.

3.2 Approval of Actions In Connection with ANS

A proposed new ANS, proposed revision, or reaffirmation of an ANS to be approved by the ANSI BSR shall be submitted to the Secretary of the ANSI BSR by the TIA Standards Department within 1 year from the close of the public comment period listed in *Standards Action* using the appropriate form provided by ANSI, unless the TIA Standards Department notifies the Secretary of the ANSI BSR in writing of good cause for a different schedule for submittal. If that form cannot be submitted to the Secretary of the ANSI BSR within one year from the close of the public comment period listed in *Standards Action*, then the Formulating Group may petition the ANSI BSR for up to an additional year to submit that form. Failure to make the submittal within two years from the close of the public comment period listed in *Standards Action* shall require consideration by the ANSI BSR.

3.2.1 Approval by the ANSI BSR

3.2.1.1 Criteria for Approval of an ANS

When the TIA Standards Department has verified the ANS has been prepared in full compliance with the rules, policies and legal guides of TIA, the relevant documentation

shall be submitted to ANSI. The TIA Standards Department shall submit the ANSI BSR-9 form, or its equivalent, and relevant documentation to ANSI to obtain approval from the ANSI BSR to designate the document as an ANS.

After receipt of ANSI BSR's Notification of Approval, or its equivalent, the material therein is declared to be an ANS.

Once approved as an ANS, no changes shall be made without going through the full consensus, comment and Ballot process. The only exception to this rule is the issuance of an erratum to correct a manifest mistake or omission in the original text, or an error subsequently discovered, and that only where the error should have been obvious to the user of the ANS. A Formulating Group may approve an erratum to an approved ANS with a majority vote during an announced meeting where quorum has been verified. No Ballot is required for an erratum.

3.2.1.2 Reaffirmation of an ANS

A Formulating Group may propose reaffirmation of an ANS if it finds the technical content valid and does not require change.

Reaffirmation requires approval by the same process as a new ANS with the exception of filing a PINS form. Copies of the ANS will not be distributed with reaffirmation Ballots, but the ANS may be purchased from TIA's approved publisher(s). A scanned electronic copy may be requested by eligible Members and Participants through the TIA Standards Department for a reasonable fee.

Reaffirmation shall be accomplished without any change to the main text or references of the ANS. Accordingly, comments filed with "do not approve with comments" votes (objections) shall not result in any change to the document and such comments should be related to the reasons why the document should not be reaffirmed. Other comments shall be documented, normally in the meeting report or comment resolution, and considered in the same manner as submittal of a new proposal. Requirements for closing and approving a reaffirmation Ballot are the same as for a Ballot.

Once a reaffirmation is approved, TIA shall clearly indicate the reaffirmation on the ANS cover page.

3.2.1.3 Criteria for Withdrawal

3.2.1.3.1 Administrative Withdrawal by ANSI

For an ANS in periodic maintenance that is more than 5 years past its approval date as an ANS and for which an ANSI PINS form or ANSI BSR-8 form (or their equivalent forms) has not been submitted and for which the review process cannot be completed within the five-year period following ANSI BSR approval, the Formulating Group Chair may request the TIA Standards Department to submit an extension for the review. Such a request shall be made in sufficient time to allow filing the form at least 31 days before the fifth anniversary of the ANSI BSR approval of the ANS. The TIA Standards Department shall complete an ANSI BSR-11 form, or its equivalent, and submit it to ANSI for approval. The Formulating Group can request an extension for up to a total of 10 years from the ANSI BSR approval.

If an ANS has not completed the ANSI BSR Review by the end of the 10th year, then the project is expected to be automatically withdrawn by ANSI. The Formulating Group may decide to start a new ANS project for the cancelled ANS.

3.2.1.3.2 Withdrawal by the Formulating Group

A Formulating Group shall recommend withdrawal of an ANS if it determines that the ANS is no longer required to meet the purpose for which it was written.

A Formulating Group may approve the withdrawal of an approved ANS with a majority vote during an announced meeting where quorum has been verified. No Ballot is required, but a Ballot may be issued with approval of the Formulating Group.

The TIA Standards Department shall notify ANSI when an ANS has been withdrawn.

3.2.1.3.3 Discontinuance of a ANS project

The Formulating Group may approve cancelling (discontinuing) a project for a proposed new or revised ANS with a majority vote at a meeting where quorum has been verified. The Formulating Group shall prepare and document, usually in the meeting report, a justification for such an action.

The TIA Standards Department shall notify ANSI when an ANS project has been cancelled.

3.2.1.3.4 Withdrawal for Cause

3.2.1.3.4.1 Materially Interested Party Request for Withdrawal

If ANSI informs the TIA Standards Department of a request or application to withdraw an ANS for cause, the TIA Standards Department will inform the Formulating Group and request their response.

If the Formulating Group agrees to withdraw the ANS, then procedures for withdrawal shall be followed (see Section 3.2.1.3.2).

If the Formulating Group objects to the withdrawal, reasons for the objection shall be provided to the TIA Standards Department in order to support informing the requester.

3.2.1.3.4.2 ANSI ExSC Request for Withdrawal

If ANSI informs the TIA Standards Department of a request by the ANSI ExSC to withdraw an ANS as result of an audit or an appeal, the TIA Standards Department will inform the Formulating Group and request their response.

If the Formulating Group agrees to withdraw the ANS, then procedures for withdrawal shall be followed (see Section 3.2.1.3.2).

If the Formulating Group objects to the withdrawal, information supplemental to the original record upon which the ANS was approved shall be provided to the TIA Standards Department in order to support informing the ExSC of the reason(s) for the objection.

3.3 Planning, Coordination and Public Notice

If the ANSI ExSC informs the TIA Standards Department of potential or existing duplication of standards developing activities, the TIA Standards Department and appropriate Formulating Group should work to coordinate activities and report results (see Section 1.5.1.2).

3.4 Designation of ANS

Upon ANSI BSR approval, TIA shall place an approval logo furnished by ANSI or the words “an American National Standard” on the cover or title page of an ANS. In addition, TIA shall mark each ANS with a unique alphanumeric designation to identify the version of the ANS.

When a revision of an ANS is approved, it will be reprinted with the same document number, but with a suffix revision letter. The date carried on the front cover of the

revised ANS will be the date of the revision. When issued, an addendum will carry the same number as the ANS, followed by a dash and a numerical suffix.

3.5 Publication of ANS

The ANS shall be published and made available as soon as possible, but no later than six months after ANSI BSR approval as an ANS.

If an ANS is not published within six months following its ANSI BSR approval, the TIA Standards Department may request an extension of this deadline from the ExSC or its designee. If needed, the TIA Standards Department shall submit such a request in writing, with the reason for the delay, and indicate a firm final date for publication.

3.6 National Adoption of ISO or IEC Standards as ANS

A Formulating Group pursuing adoption of an ISO or IEC standard as an ANS shall comply with the requirements set forth in the *ANSI Procedures for the National Adoption of ISO or IEC Standards as American National Standards*.

3.7 Maintenance of ANS

The Formulating Group, or its parent Formulating Group if the former no longer exists, is responsible for the maintenance of each ANS. Maintenance of an ANS takes the form of a periodic review wherein the Formulating Group shall determine whether the ANS should be reaffirmed, revised, or withdrawn.

Obsolete ANS shall be withdrawn by the Formulating Group.

For ANS other than national adoptions of international standards, one of three options may apply.

3.7.1 Periodic Maintenance of an ANS

An ANS in periodic maintenance shall be reviewed on a schedule not to exceed five years from date of ANSI BSR approval.

The Formulating Group shall initiate action to

- (1) **Revise** the ANS to incorporate additional language or delete language that will change its technical content or meaning
- (2) **Reaffirm** the ANS if the technical content is valid and does not need change
- (3) **Withdraw** the ANS if the technical content is no longer of value

The TIA Standards Department shall provide notice of the documents to be reviewed to the Formulating Group Chair. The review process shall commence approximately

24 months prior to the end of the fifth anniversary of the ANSI BSR approval. When appropriate, the TIA Standards Department staff shall provide the Formulating Group Chair with a summary of all known comments not incorporated into the ANS during its prior development period.

3.7.2 Continuous Maintenance of an ANS

Continuous maintenance is defined as the maintenance of an ANS by consideration of recommended changes to any part of it according to a documented schedule, normally the meeting schedule for the Formulating Group, for consideration and action by the Consensus Body. Accordingly, no portion of the ANS shall be excluded from the revision process of an ANS under continuous maintenance.

3.7.2.1 Disclaimer

Public review drafts, each published ANS, and addenda of ANS maintained under continuous maintenance shall include the following statement of the intent to consider requests for change and information on the submittal of such requests.

The Telecommunications Industry Association maintains this standard under continuous maintenance procedures. These procedures establish a documented program for regular publication of addenda or revisions, including timely and documented consensus action on requests for revisions to any part of the standard. Proposed revisions shall be submitted to the TIA Standards Department in writing or via e-mail. Information on meeting schedules is available at www.tiaonline.org.

3.7.2.2 Submission of Proposed Revisions

Proposals for revision of an ANS under continuous maintenance shall be submitted to the TIA Standards Department in writing or via e-mail. TIA Standards Department staff shall review the proposal and, if the proposal requires further clarification, the submitter may be given up to 14 additional business days to resubmit or clarify the proposed revision. Upon sufficient clarification, the proposal shall be forwarded to the Chair of the Formulating Group.

Proposals for revision of an ANS under continuous maintenance must be received at least 30 days prior to the next scheduled Formulating Group meeting for consideration. Proposals received after that deadline shall be submitted for consideration at the next scheduled meeting of the Committee.

3.7.2.3 Review of Proposed Revisions

Formulating Groups are expected to review proposals for revision of an ANS under continuous maintenance at the next scheduled meeting if relevant proposals are received in the allowed time.

The Formulating Group shall review the proposals using the same comment resolution procedures within 18 months of receipt of the proposal (see Section 1.6).

Upon conclusion of the comment resolution, the Formulating Group shall decide to incorporate the approved proposals in an addendum (revision) project or in the next revision. The procedures for addenda (revisions) apply to any such project.

3.7.2.4 Publication

Publication of a revision of an ANS under the continuous maintenance option shall occur within five years of the ANSI BSR approval date. The revision may either be a complete revision or, at minimum, an incorporation of all the addenda approved since the ANSI BSR approval date.

If no revisions or addenda are approved for an ANS under continuous maintenance prior to the five-year anniversary of the ANSI BSR approval date, action to revise, reaffirm or withdraw the ANS shall be initiated by the responsible Formulating Group.

3.7.3 Stabilized Maintenance of an ANS

An ANS that is maintained under the stabilized maintenance option shall satisfy all of the following eligibility criteria.

- (1) The standard addresses mature technology or practices, and as a result, is not likely to require revision
- (2) The standard is other than safety or health related
- (3) The standard currently holds the status of ANS and has been reaffirmed at least once
- (4) At least ten years have passed since the approval or last revision of the standard as an ANS
- (5) The ANS is required for use in connection with existing implementations or for reference purposes

An ANS maintained under the stabilized maintenance option is not required to be revised or reaffirmed on a routine 5-year cycle; however, it shall be subject to review of such status on a 10-year cycle.

If the Formulating Group decides that the ANS shall continue to be maintained under the stabilized maintenance option and as such does not require revision or withdrawal, then this shall be communicated to the TIA Standards Department and then to ANSI by the TIA Standards Department. Notification to ANSI shall be accomplished via the submittal of an informational announcement if the ANS will continue to be maintained under the stabilized maintenance option or will be withdrawn, or via an ANSI PINS form, or its equivalent, if the ANS will be revised.

An ANS that is maintained under the stabilized maintenance option shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests. The decision to maintain an ANS under the stabilized maintenance option and the process by which it is maintained shall be subject to appeal to TIA. A subsequent appeal to ANSI may be made to the ANSI ExSC based on a claim of procedural non-compliance.

If a recommendation is submitted to the TIA Standards Department at any time by a materially affected and interested party that an ANS maintained under the stabilized maintenance option requires revision or should be withdrawn, then that recommendation shall be forwarded to the Chair of the Formulating Group for consideration in the same manner as a new proposal but within a maximum of 60 days from receipt.

Such a recommendation should include the rationale to begin a revision and shall not be dismissed due to the fact that it does not necessarily suggest a specific revision. The submitter of such a recommendation shall be responded to in writing by the TIA Standards Department within 60 days of the receipt of the recommendation and advised of the decision relative to the maintenance status of the ANS.

ANNEX A DEFINITIONS AND TERMS

An understanding of the terms below will be helpful in following the text of this document.

Addendum – a revision to a document which

- (1) Adds technical requirements that do not change previously published requirements of an existing standard; or
- (2) Modifies one or two portions of an existing standard.

Advisory Note - text to change or modify this document until revised and approved by ANSI

Affiliation - the entity that the Consensus Body member represents (which may or may not be that person's employer)

American National Standard (ANS) - a standard developed by an ANSI-accredited standards developer and approved by the ANSI Board of Standards Review (BSR)

American National Standards Institute (ANSI) - administrator and coordinator of the United States private sector voluntary standardization system

Association (when capitalized) - The Telecommunications Industry Association

Ballot (when capitalized) – a vote of the Consensus Body

Comment – written views or objections to a proposed document submitted with a Ballot or during the public comment period

Company (or comparable body) - a corporation, other legal entity, partnership, or sole proprietorship organized under the laws of a specific country or countries (comparable bodies may include organizations; associations; trade unions; and institutions, including government agencies and international organizations)

Consensus – established when those participating in the consideration of the subject at hand have reached substantial agreement. Substantial agreement means more than half, but not necessarily unanimity. Consensus requires that all views and objections be considered and that a concerted effort be made toward their resolution. Consensus may also be achieved when the minority no longer wishes to articulate its objection. The opinions of the minority should be recorded with the report of the substantial agreement (consensus) of the majority.

Consensus Body (when capitalized) – Members and Participants of a Formulating Group who are registered to vote on a Ballot, and whose votes are used to determine approval of the content of the item being balloted and evidence of consensus

Dominance - a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints

Engineering Committee - a Committee of volunteers, established under the authority of the TIA Technical Committee to formulate Standards and provide other engineering functions in support of the Association

Erratum - a document which corrects a manifest mistake or omission in the original text of the standard or an error subsequently discovered

Essential Patent - only the claim(s) of a patent (whenever issued) which is (are) necessarily infringed by the practice of a normative portion of a standard

Formulating Group (when capitalized) - Engineering Committee, Subcommittee, or Working Group that specifically has been delegated formulating authority to develop standards

Joint Standards Document (J-STD or JSD) - an ANS developed by a Joint Standards Group comprised of two or more internal or internal/external entities of Standards Developers

Interest Category (when capitalized) – classification of the company (or comparable body) based on the applicability or use of the standard. The categories used are:

- (1) **Producer** - a company (or comparable body) that develops or manufactures product(s) covered by the ANS
- (2) **User** - a company (or comparable body) that is using or expected to use products covered by the ANS but does not produce them, or that is using or expected to use information covered by the standard (includes consumer, industrial, government, labor, testing laboratory, etc.)
- (3) **General Interest** - a company (or comparable body) that is not a producer or a user, which includes but is not limited to distributor, retailer, or regulatory agency (examples: professional societies, trade associations, media, etc.)

Member (when capitalized) - a company (or comparable body) in good standing with respect to membership in TIA

Object Code – instructions which can be directly run by a computer. Object code is not intended to be human-readable, and generally can be used only on a subset of computers or systems. For the purposes of this document Object Code includes, but is not limited to, dynamically linked libraries, object code libraries, and binary executable code. (Definition based on ITU TSB Director’s Ad hoc Group on IPR Software Copyright Guidelines – Issue 2.1)

Objection - comments identified as the reason for a “do not approve with comments” vote) on a Ballot

Participant (when capitalized) - a company (or comparable body) in good standing with respect to participation fees, but not a Member

Patent Holder – a party having the legal ability to grant licenses with respect to patents under the conditions provided by the TIA IPR Policy

Publication - any TIA Standards Department document that is published by the department and available for sale or distribution to the general public (not including documents intended for distribution to only members of Formulating Groups)

Quorum – more than half of the listed voting Members and Participant companies (or comparable bodies) in a Formulating Group

Reference Document – the content associated with the Project Initiation Number, ANS number, reserved document number, actual document number, or designated title as provided by the TIA Standards Department

Software -- a program, or portion thereof, written in Source Code regardless of programming language or storage medium used

Software Copyright Holder – a party having the legal ability to grant licenses with respect to Software copyrights under the conditions provided by the TIA IPR Policy

Source – the owner of the copyright or license right, if any, submitted in a submission (examples include a company’s name, an individual’s name, or an organization’s name; in the case of a United States government agency, it is acceptable to list the agency name even though the material submitted by the government is in the public domain)

Source Code – the input to a compiler, interpreter, or assembler which can be processed to produce Object Code. Source Code is intended to be human-readable, and in principle can be converted to Object Code usable on any computer or system. (Definition based on ITU TSB Director's Ad hoc Group on IPR Software Copyright Guidelines – Issue 2.1)

Specification - a document which is prepared specifically to facilitate procurement that clearly and accurately describes the essential technical requirements for purchased material

Standard - a document that establishes engineering and technical requirements for processes, procedures, practices and methods that have been adopted by consensus. Standards may also be established for selection, application and design criteria for material

Standards Developer (SD) –

- (1) an organization in the United States accredited by ANSI or an entity outside the United States accredited or authorized by a particular country or region
- (2) an organization which develops standards but is not accredited by ANSI or somebody that accredits or authorizes the operating procedures unique to a particular country or region

Sub-Element – any subcommittee, working group or ad hoc group under the auspices of a Formulating Group

Substantive Change - A change that directly and materially affects the use of the ANS. Examples of substantive changes:

- (1) “shall” to “should”; “should” to “shall”
- (2) addition, deletion or revision of requirements, regardless of the number of changes
- (3) addition of mandatory compliance with referenced standards

Technical Change – see Substantive Change

Voting Representative - an individual designated by a Member or Participant to vote on its behalf

ANNEX B PROCEDURES FOR THE DEVELOPMENT OF A PROVISIONAL ANS OR AMENDMENT TO AN ANS

B.1 Procedures for the Development of a Provisional ANS or a Provisional Amendment to an ANS

The issuance of a Provisional ANS or a Provisional Amendment to an existing ANS may be considered when all of the following circumstances apply.

- (1) When implementation of the Provisional ANS or Provisional Amendment may result in an improvement to the safeguarding of life, and there is a well-established need for the prompt dissemination of information that addresses an emergency situation or other special circumstance
- (2) When the routine ANS procedures would cause an undue delay in the issuance of a related standard
- (3) When the Formulating Group intends to initiate the processing of the Provisional ANS or the Provisional Amendment to an ANS as an ANS within 45 days of the approval date using the routine ANS procedures

B.1.1 Public Notice

An announcement identifying the standard and describing the circumstances that warrant the issuance of a Provisional ANS or Provisional Amendment shall be provided to ANSI in a timely manner for publication in ANSI's *Standards Action*. The requirements in Section 1.5 shall not apply with regard to a Provisional ANS or Provisional Amendment that is promulgated in accordance with these procedures.

B.1.2 Minimum Consensus Body Ballot Period

The minimum Ballot period shall not be less than two weeks.

B.1.3 Approval of a Provisional ANS or a Provisional Amendment to an ANS

Approval of a Provisional ANS or a Provisional Amendment to an ANS requires approval by at least two-thirds of those voting in the Consensus Body, excluding abstentions.

B.1.4 Comment Resolution

All comments accompanying the Ballot shall be circulated to the Consensus Body in order to afford all members of the Consensus Body an opportunity to respond, reaffirm, or change their vote.

For a resubmitted Ballot, a minimum period of not less than one week is required.

The comment resolution process to resolve the comments received relative to the Provisional ANS or Provisional Amendment is not required.

B.1.5 Right to Appeal

The right to appeal shall not be required in connection with the issuance of a Provisional ANS or Provisional Amendment. After the ANS or revision has been issued, if a directly and materially affected party believes that the Provisional ANS or Provisional Amendment should be withdrawn, then the Withdrawal for Cause procedures detailed in the ANSI *Essential Requirements: Due process requirements for American National Standards* shall apply.

B.1.6 Approval Notification to ANSI

Notice of the approval of a Provisional ANS or Provisional Amendment shall be submitted to ANSI within 5 days of the approval of the document. The notice shall include the designation and title of the new or affected document, the approval date and a certification that the developer has followed these procedures.

B.1.7 Processing the Provisional ANS as an ANS

The Formulating Group shall initiate the processing of the Provisional ANS, or the revision to an amended ANS, as an ANS or revision to an ANS, within 45 days of its approval date.

B.1.8 Withdrawal

A Provisional ANS or Provisional Amendment shall exist for no longer than two years from the date on which it is approved by the Formulating Group. If consensus is achieved and the affected ANS (either the Provisional ANS or the ANS as modified by the Provisional Amendment) is published as an ANS, the Provisional ANS or Provisional Amendment is superseded and shall be withdrawn.

If consensus is not achieved, the Provisional ANS or Provisional Amendment shall be withdrawn at that time, but no later than two years from the date on which it was approved.

B.1.9 Identification of a Provisional ANS or Provisional Amendment

An ANS or an amendment to an ANS promulgated in accordance with these procedures shall be referred to as a Provisional ANS or Provisional Amendment, respectively, and identified clearly as such on the cover or title page.

In addition, an ANS processed as a Provisional ANS shall be identified by a unique alphanumeric designation in accordance with the following guidelines:

ANSI/TIA-123 (PS), where “123” is the document number

And an ANS with a provisional amendment shall be identified as follows:

ANSI/TIA-123 (PA), where “123” is the document number

The following or similar text shall be included in the foreword of a Provisional ANS or adjacent to a Provisional Amendment when included in the text of an ANS:

“This document or some of the information contained in this document has been processed in accordance with ANSI’s requirements for a Provisional ANS or Provisional Amendment to an ANS. The same or similar document or amendment (as applicable) will undergo the standards development process set forth in TIA’s accredited procedures. This Provisional ANS or pertinent Provisional Amendment(s) shall be withdrawn on or before the two year anniversary date of its approval as such.”

The ANSI approval logo and the words “an American National Standard” shall not be used to identify an entire standard that has not received ANSI approval.

B.1.10 Audit of Use of Provisional ANSI Process

Evidence of compliance with these procedures shall be retained for examination during the next scheduled audit.

ANNEX C TIA LEGAL GUIDES

C.1 General Guides Applicable to All TIA Activities

This PART C.1 includes general guides applicable to all Telecommunications Industry Association activities. They are required to be read and followed by all Members of the Association and Staff, Chairs and Members of all Committees, Sections, Divisions, and other TIA sponsored groups.

It is the policy of the TIA strictly to comply with the antitrust laws and regulations of the United States and any other jurisdiction applicable to TIA meetings, programs, or activities. Any discussion or conduct in violation of such laws or regulations is contrary to TIA policy and shall be avoided.

C.1.1 Improper Activities and Programs

TIA activities or programs relating to any of the following subjects are **improper** and are **not permitted**:

- (1) **Restraint of Trade Agreements.** The establishments of prices, production quotas, or uniformity of conduct; the allocation of customers or markets; standard terms or conditions of sale; boycotts; or other competitive restraints are improper activities. Therefore, any activities within, or in conjunction with, Association meetings relating to any of these matters are improper and Committee Chairs, Staff, and participants should take affirmative action to assure that no such discussions are initiated or pursued.
- (2) **Prices and Pricing Policies.** Any consideration or discussion of product prices or industry pricing policies is improper and therefore not permitted. This applies to all discussions and casual remarks relating to individual company prices, changes in prices, or general price levels whether involving formal or informal exchanges between participating representatives. Such discussions are improper and must be avoided.
- (3) **Terms and Conditions of Purchase and Sale.** Any discussion at, or in conjunction with, TIA meetings of terms and conditions of purchase and sale, including but not limited to warranty and warranty periods, discounts, allowances, or terms of credit, or the formulation of uniform or Standard terms and conditions of purchase or sale, uniform basing points or zoning prices, or the recommendation thereof for voluntary use by the Membership also is improper and is prohibited. It is usually proper, however, to discuss and propose comments and recommendations to Government agencies relating to general contract provisions, or modifications thereof, or other procurement practices or policies proposed or adopted by such agencies.
- (4) **Costs.** Programs or activities involving the exchange of information relating to individual company costs of production or distribution and any formulas for

computing such costs are improper. Discussions at TIA meetings of industry costs are not permitted.

- (5) **Future Plans.** Programs involving the exchange of future plans of individual companies affecting the design, research and development, production, and distribution or marketing of products are also improper. Any discussions at TIA meetings relating to such programs are not permitted. This does not preclude normal new product introductions or announcements at TIA sponsored trade shows.
- (6) **Boycotting Customers or Products.** Any activity involving the blacklisting or boycotting of customers, competitors, suppliers, or others or establishment of patterns of uniform dealing is improper. Therefore, there shall be no activities relating to any form of boycotting or any activity that may be interpreted as such.

C.1.2 Procedures for Conducting Activities

C.1.2.1 Important Notice of Participation

Participation in, or attendance at, any activity of a TIA Formulating Group or any sub-element thereof, constitutes acceptance of and agreement to be bound by all provisions of this document and permission that all communications and statements, oral or written, or other information disclosed or presented, and any translation or derivative thereof, may without compensation, and to the extent such participant or attendee may legally and freely grant such copyright rights, be distributed, published, and posted on TIA's web site, in whole or in part, on a non-exclusive basis by TIA or TIA's licensees or assignees, or as TIA directs. Exceptions to the foregoing may be granted or permitted in writing to the Chair of the Formulating Group by the head of the TIA Standards Department on a case-by-case basis.

C.1.2.2 Intellectual Property Rights Policy

TIA has an Intellectual Property Rights (IPR) Policy. We call to the attention of participants and attendees that TIA's Policy is to encourage, but not require, the voluntary disclosure (preferably early) of Essential Patent(s) and published pending patent application(s) that may be essential to the practice of a TIA Publication. Such disclosures are to be made following the procedures of the TIA *Intellectual Property Rights Policy*. Additional information can be found in the TIA *Intellectual Property Rights Guidelines*.

C.1.2.3 Encouraging Early Disclosure

A three part approach will be used by TIA to encourage voluntary disclosure (preferably early) of Essential Patent(s) and published pending patent application(s).

The first part of the approach is that Formulating Group Chairs will ensure that participants and attendees are aware that:

TIA's Intellectual Property Rights Policy can be found in Statements of Policy (ANNEX C) and other clauses and annexes of this document. Participants in the work of the TIA Formulating Groups are urged to review the appropriate sections. Individual participants are encouraged to notify TIA of any patent(s) or published pending patent application(s) of which they are aware that may be essential to the practice of a proposed TIA Publication, including requirements introduced through normative references, early on in the development to reduce the possibility for delays in the development process and increase the likelihood that the proposed TIA Publication will become a Standard. However, a Patent Holder who has provided TIA with a TIA Patent Holder Statement with respect to the applicable proposed TIA Publication need not (but may elect to) identify its specific patent(s) or published pending patent application(s) that may be essential to the practice of the proposed TIA Publication in question. Patent searches are not required to comply with the TIA Intellectual Property Rights Policy.

The second part of the approach is that TIA will place a notification on each ballot for a proposed Standard that the TIA IPR Policy is applicable to the Reference Document, which encourages identification of Essential Patent(s) or published pending patent application(s) necessary for the practice for any or all of the Normative portions of the Reference Document and, if appropriate, the filing of a Patent Holder Statement (an appropriate form or reporting mechanism is available from the TIA Standards Department).

The third part of the approach may be the placement of an optional, voluntary Submission Cover Sheet with Optional Disclosure by the Source(s) on a submission cover sheet to a Formulating Group (appropriate cover sheets are available from the TIA Standards Department).

No Formulating Group may establish rules which would have the effect of excluding submissions based on an early disclosure policy which is more restrictive than that stated within this Clause.

To further assist in the understanding of this Policy, refer to "Guidelines to the Intellectual Property Rights Policy of the Telecommunications Industry Association" posted on the TIA website at www.tiaonline.org. When an Essential Patent(s) has been identified in any proposed Standard, TIA will follow a policy based upon that of the American National Standards Institute (ANSI) (www.ansi.org).

C.1.2.4 Procedures and Documentation

- (1) **Notices and Agendas.** Notices and agendas for TIA meetings shall be prepared in advance and distributed prior to the date of the meeting. Agendas shall not include any subjects that are stated as improper for consideration or discussion under the rules established in these Legal Guides. All agendas otherwise shall be in conformity with the rules established in this document and any rules which may be established by the TIA General Counsel or an attorney authorized by TIA General Counsel. Any exceptions must be specifically approved by the TIA General Counsel or an attorney authorized by TIA General Counsel or an attorney authorized by the TIA General Counsel or an attorney authorized by TIA General Counsel. Whenever feasible, background information which would be helpful in the consideration of items on the agenda should be distributed in advance of meetings.
- (2) **Conduct of Meetings.** All meetings shall be conducted in such a way as to assure ample opportunity and freedom in the exchange of ideas and an equal voice in all decisions by parties entitled to vote thereon. Committee Chairs and TIA Staff personnel shall make sure that all actions and discussions at meetings are kept within the bounds of proper Association activity. Committee Chairs should immediately rule out of order discussion deemed improper or questionable under the policies set forth herein until the propriety of such discussion has been determined by General Counsel. If any doubt exists concerning the propriety of a program, either from a legal or policy point of view, it shall not become final or effective until after review by General Counsel. Committee Chairs should follow the published agenda and not depart therefrom except for a good and legitimate reason, in which event the reports should record the reasons for such departure.
- (3) **Voting in Committees.** All Committees other than Engineering Committees shall adopt rules consistent with these Guides and other rules, policies and by-laws adopted by the TIA to ensure that each company represented shall be entitled to vote in a manner which will give equal weight to the vote of each company represented on the Committee, regardless of the number of representatives from any one company, if there should be more than one. Engineering Committees shall follow the rules set forth in this document.
- (4) **Preparation and Review of Reports.** Reports of all meetings shall be taken and recorded. Reports shall include the time and place of the meeting, a list of all Committee Members and non-Members attending, a statement of all matters discussed and actions taken with appropriate reasons therefore, and a record of all voting. The votes of participants need not be identified by company or individual.

All meeting reports shall be approved by the TIA General Counsel or an attorney authorized by TIA General Counsel or an attorney authorized by the TIA General Counsel before distribution. Upon approval, they should be distributed to all Members of the Formulating Group and any other TIA Members desiring or requesting copies.

C.2 Special Guides Applicable to Engineering Standardization Programs

This PART C.2 contains legal policies applying specifically to the operations and conduct of all TIA engineering Standardization and related programs. It details the general policies of the TIA and supplements the procedures contained in this document. In addition to the rules established in this PART C.2, all engineering standardization programs are required to be conducted in accordance with the rules set forth in PART D.1 of these Legal Guides.

C.2.1 Limitations on Standardization Programs

TIA Standardization programs shall be confined to the formulation of Standards within the rules set forth in this PART C.2 defining or describing the dimension, quality, reliability, operating characteristics, performance, compatibility, interoperability, nomenclature, or any combination of these, and similar factors relating to telecommunications products, processes, systems, and procedures or those useful in the provision of communications services. These programs include not only those sponsored or initiated by the TIA and its Members but also those recommended by Government agencies.

C.2.2 Statement of Policy

The following statement of policy, reflecting the basic objectives of all standardization programs, shall be included in all TIA standards:

"TIA Standards are designed to serve the public interest by eliminating misunderstandings between manufacturers and purchasers, facilitating interoperability, interchangeability and improvement of products, and assisting the purchaser in selecting and obtaining the proper telecommunications product for their particular need. Existence of such Standards shall not in any respect preclude any Member or non-Member of the TIA from manufacturing or selling products not conforming to such Standards.

"Except as provided in this document, Standards are proposed or adopted by the TIA without regard to whether their proposal or adoption may in any way involve patents or intellectual property on articles, materials, or processes. By such action, the TIA does not assume any liability to any patent owner, nor does it assume any obligation whatever to parties adopting TIA Standards, to parties manufacturing or selling products or services conforming to such Standards or to

users of such products or services. Other TIA rules respecting Standards where patents are involved are contained in TIA Procedures and should be read in conjunction with these Guides. Furthermore, in all cases specific requirements and restraints expressed elsewhere in these Guides must govern."

C.2.3 Basic Rules for Conducting Programs

All TIA Standardization programs shall be conducted in accordance with the following basic rules:

- (1) They shall be carried on in good faith under policies and procedures which will assure fairness and unrestricted participation;
- (2) Participation shall be extended to all technically qualified Members of the industry, including representatives of user groups where appropriate, irrespective of Membership in the TIA;
- (3) Each program shall be shown to serve one or more of the public interest objectives as provided in Clause C.2.4 of this Annex;
- (4) They shall not involve any agreement, expressed or implied, to adhere, or require adherence to a Standard or the use of any coercion, directly or indirectly, with respect thereto;
- (5) They shall not be proposed for or indirectly result in:
- (6) effectuation of a price fixing arrangement, facilitating price uniformity or stabilization, or restricting competition, giving a competitive advantage to any manufacturer, excluding competitors from the market, limiting or otherwise curtailing production, or
- (7) reducing product variations except where required to meet one or more of the objectives set forth in Clause C.2.4 of this Annex; and
- (8) Personnel participating in such programs as the representatives of Members of the industry should be technical personnel.

C.2.4 Selecting a Program

All Standardization programs must be shown to serve a legitimate public interest objective and that objective should be specifically stated in the context of the Standard. To assure this, the program should relate to the achievement of one or more of the following objectives:

- (1) promoting interchangeability and interoperability of products falling within the scope of TIA Engineering Committees;
- (2) eliminating misunderstandings or confusion between manufacturers and buyers with respect to products on which TIA Standards or Specifications are adopted;
- (3) providing assistance to the purchaser in selecting and obtaining the proper product for a particular need;

- (4) improving the quality of products covered by TIA Standards or Specifications.

C.2.5 Notice of Meetings

Advance notice shall be given to all participating representatives as to the matter to be considered for Standardization and the nature of the action being contemplated. Procedures should provide reasonable means for making available all data, Specifications, and other technical information relating to a product, process or technology proposed for Standardization to all persons participating in or contributing to the program involved irrespective of their Membership in the TIA. Committee activities should be limited to discussions of the engineering and technical aspects of Standardization or the procedures relating thereto.

C.2.6 Special Rules for Conducting Standardization Programs

- (1) **Voluntary Adherence to Standards.** Adherence to Standards shall be entirely voluntary and within the discretion of individual manufacturers. Any agreement, expressed or implied, or any coercion, direct or indirect, to adhere or to require or compel adherence to a Standard is not permitted.
- (2) **Engineering and Technical Considerations.** All Standardization activity shall be confined to the technical and engineering considerations in the establishment of a Standard and these considerations shall relate to one of the legitimate objectives as provided in Clause C.2.4 of this Annex.
- (3) **Commercial Standards.** Standardization relating to the commercial aspects of products, such as conditions or terms defining commercial relationships between manufacturer and buyer with respect to engineering Standards is not permitted. This type of activity is the proper concern of each interested company acting individually and is not a proper Association activity (see Clause C.1.1 (3) of this Annex).
- (4) **Standards Involving Quality or Performance.** Generally, Standards relating to quality or performance of products should not specify or describe the characteristics of such products in terms of maximum quality or maximum performance. This does not preclude Standards stated in terms of maximum or minimum - maximum characteristics which are prescribed for the sole purpose of indicating that the product meets certain limited requirements and is designed to serve limited technical functions and purposes. Such Standards generally involve product differentiation as distinguished from product quality. Standards may include suggested specific AQL's (Acceptable Quality Level) for guidance purposes with the actual AQL to be agreed upon between the manufacturer and the user, or include ranges of AQL's for the same purpose.

- (5) **Interpretation of Standards.** The interpretation of Standards, insofar as it may relate to a specific product or manufacturer, is a proper matter for individual company concern and should not be undertaken by TIA Standards Department staff or any person acting in the capacity of a TIA Engineering Committee member. TIA Staff comments, if any, shall be limited to an explanation or clarification of technical language or provisions in a Standard but not related to its application to specific products or manufacturers. Means are provided in this document for the rendering of formal interpretations of TIA Standards, which interpretations will be available to all interested parties.
- (6) **Acceptability of Standards.** All proposed Standards recommended by TIA Engineering Committees or task groups shall be submitted for final review and approval in accordance with this document.
- (7) **Final Adoption.** Final adoption of proposed Standards shall be in accordance with this document. In the process of adopting a Standard, consideration shall be given to all comments of industry and user interests where applicable irrespective of TIA Membership, and industry consensus must be demonstrated. If there is no consensus on the adoption of a proposed Standard, or if due process has not been afforded all commentators, the program involving such Standard should be abandoned or referred to an appropriate Formulating Group for further consideration.

C.2.7 Procedures for Commenting on Military Specifications and Products

In offering comments or recommendations to elements of the Department of Defense on Military Standardization documents, the following procedures shall be followed:

- (1) Participation shall be unrestricted and extended to all companies which have made known their interest regardless of Membership in the TIA or on the cognizant Committee or Committees;
- (2) Adequate notice of meetings shall be given all Committee Members and all other companies or representatives known to have an interest and shall include all issues to be discussed;
- (3) Comments and recommendations shall be offered merely as such, limited to the technical aspects of the Specifications, and shall reflect any divergence of views among those participating;
- (4) Copies of comments and recommendations shall be sent to all company representatives known to have an interest;
- (5) All submissions to the military departments shall contain a statement that the comments and recommendations reflect only the views of the group participating; and
- (6) They shall be reviewed and submitted by TIA Staff in accordance with established procedures.
- (7) All applicable laws and regulations shall be strictly adhered to.