

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Amendment of the Commission’s Rules) WT Docket No. 07-250
Governing Hearing Aid-Compatible Mobile)
Handsets)

To: The Commission

**COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association¹ (“TIA”) submits these Paperwork Reduction Act² (“PRA”) comments to the on the information collection requirements in the Federal Communications Commission’s (“Commission”) proposed changes to in FCC Form 655,

¹ TIA represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshows, business opportunities, market intelligence and world-wide environmental regulatory analysis. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA’s approximately 500 member companies’ products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. TIA is accredited by the American National Standards Institute (ANSI). TIA members are committed to enhancing accessibility of devices and services, have been integral to the successful implementation of the Commission’s HAC policies, and believe that collaboration among affected stakeholders is among the most effective and efficient means of addressing accessibility concerns that arise regarding technology and marketplace developments.

² 44 U.S.C. §§ 3506(c)(3).

used to collect information on hearing aid compatibility (“HAC”) status,³ in the above captioned proceeding.⁴

TIA was a contributor to and has been supportive of the Commission’s proposal to adopt ANSI C63.19:2011, the most current version of the HAC for wireless devices,⁵ and, as a member of ASC C63.19, has been working within the organization since the standard’s adoption to develop supplemental determinations on the standard’s effect on areas that include the T-Rating, the M-Rating, concurrent transmissions, and simultaneous transmitters. TIA submits these comments to emphasize its general support for the changes proposed to Form 655 that will help ensure that technological and market feasibility principles are incorporated most effectively into the Commission’s rules and further the Commission’s HAC objectives.

This important request for comments by the FCC under the PRA requires that the information collection: “(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility”; “(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency”; “(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities”; “(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond”; “(E) is to be

³ *Hearing Aid Compatibility Status Report and Section 20.19, Hearing Aid-Compatible Mobile Handsets (Hearing Aid Compatibility Act)*, Federal Communications Commission, OMB Control Number 3060–0999, 77 FR 44614-44615, July 30, 2012 (“PRA Notice”).

⁴ In the Matter of Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets, *Second Further Notice of Proposed Rulemaking*, WT Docket No. 07-250 (rel. Nov. 1, 2011) (FNPRM).

⁵ *See, e.g.*, Comments of TIA, WT Docket No. 07-250 (Jan. 13, 2012).

implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond”; “(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified”; (G) includes a statement as to why and how the information will be used and the estimate of the burden of collection; “(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public”; “(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected”; and “(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.”⁶

With the above in mind, TIA offers the following comments to the Commission’s proposed changes to Form 655:

- 1) The filing window for manufacturers to upload data into the draft report for the upcoming year’s filing should be open year-round, as opposed to only the 30 day window currently available to manufacturers from June 15th to July 15th. Product is continually being brought into the marketplace, and this would facilitate the ability for direct integration of this tracking activity into the new product introduction process for each company as the products are being brought to market. The current thirty day timing window from June 15th to July 15th is particularly problematic when summer vacation schedules are factored in, as well

⁶ 44 U.S.C. §§ 3506(c)(3).

as scheduled reporting cutoffs tied to the June 30th deadline against which the annual report data must reflect. This approach of having the draft report open year around would facilitate a more practical collection period and more accurately reflect the associated timeframes required for necessary technical and legal reviews of the final report to be filed by the July 15th deadline. We believe that this allowance would be particularly consistent with 44 U.S.C. §§ 3506(c)(3)(C), (E), and (J).

- 2) It is recommended that the FCC ID(s) be pre-populated based on the marketing models that are already listed in the system since that information is already available within the FCC database. The FCC Form 655 2011 Report (for reporting period July 1, 2010- June 30, 2011) had an import option which allowed previously reported handset models and certification information from the Form 655 2010 report to be used and modified to reflect the current reporting status. TIA members valued this tool because handsets that were carried over from the previous year's reporting did require information to be re-entered manually by the manufacturer or carrier using the system. Once the discontinued phones are deleted from the imported information, the manufacturer or carrier would only needs to verify that the carried over models' previous certification information has not changed. The only other information that would need to be verified for the imported offered devices was the current offering date. This process saves a significant amount of time for the manufacturer or carrier because once the existing information is modified then only new model information requires

manual entry of all data fields. This change would also help to avoid human errors that occasionally occur when typing in FCC ID information manually, and would be consistent with 44 U.S.C. §§ 3506(c)(3)(B), (C), and (J). It is important to maintain the existing field option as listed to manually add in a FCC ID to account for any inconsistencies that may exist in the on-line data.

- 3) On the current Form 655, the question concerning whether a manufacturer falls under the *de minimis* provision appears as a binary selection, and there is no means to answer accordingly that a manufacturer could fall under the *de minimis* exception for a given air interface.⁷ The current question appears to imply that a manufacturer would have to be in *de minimis* mode across all air interfaces in order to select that option. TIA therefore recommends that the form be updated accordingly to reflect the condition that the *de minimis* provision applies on an air interface by air interface basis. This would be consistent with, among other subparts of the PRA, 44 U.S.C. § 3506(c)(3)(D) and (E).
- 4) In terms of FCC Form 655's Question 4 regarding a change to the report to capture information about handsets that "meet the criteria for a M3 rating for operations over GSM at 1900 MHz by enabling the user optionally to reduce the maximum power at which the handset will operate by no more than 2.5 decibels, except for emergency calls to 911," there is no indication that this question will only appear on the form if a manufacturer has indicated that they fall under the *de*

⁷ See *Order on Reconsideration and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 11221, 11244 ¶ 53 (2005).

minimis provision for a particular air interface to which this criteria currently applies. If a manufacturer is not under the *de minimis* provision, it is not permissible today for them to utilize this criteria as a means to achieve compliance, which discriminates against manufacturers that do not fall under the *de minimis* provision. If the FCC records show no feedback to demonstrate that this provision is causing harm to consumers, then it should be extended to all manufacturers. We believe that such a change to Form 655 would be consistent with, among other subparts of the PRA, 44 U.S.C. § 3506(c)(3)(D) and (E).

While the majority of the proposed changes to Form 655 are worthy of adoption, for the reasons discussed above, TIA requests that the Commission avoid unnecessary complexity and confusion by altering Form 655 consistent with the above input.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Danielle Coffey

Danielle Coffey
Vice President, Government Affairs

Mark Uncapher
Director, Regulatory and Government Affairs

Brian Scarpelli
Manager, Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION
10 G Street N.E.
Suite 550
Washington, D.C. 20002
(202) 346-3240

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