

**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**

I. INTRODUCTION AND SUMMARY

The Telecommunications Industry Association (TIA) submits comments to the Federal Communications Commission (Commission) in the above captioned proceeding.¹ TIA and its members appreciate the opportunity to provide unique stakeholder comment on the issues raised by the NPRM, and are supportive of the Commission’s proposal to adopt ANSI C63.19:2011, the most current version of the hearing aid compatibility standard (HAC) for wireless devices. TIA concurs that such a change to the Commission’s rules is in the public interest, and, with an appropriate phase-in period that reflects technological realities, particularly related to the availability of testing equipment for new HAC Modulation Interference Factor (MIF), will most effectively further the Commission’s HAC objectives.

¹ 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).

TIA represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshow, 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.

II. TIA SUPPORTS THE PROPOSED ADOPTION OF THE 2011 ANSI STANDARD AS AN APPLICABLE TECHNICAL STANDARD FOR EVALUATING HAC IN WIRELESS PHONES.

In the FNPRM, the Commission first proposes to adopt the 2011 ANSI Standard into the Commission's rules as an applicable technical standard for evaluating the HAC of wireless phones.² TIA is supportive of this proposal as we believe that the feasibility and necessity of any new benchmarks should reflect input from manufacturers and service providers that have had

² FNPRM at ¶ 6.

experience in deploying new models and services under the current regime and the revised standard.³ TIA has long supported the use of safe harbor rules based on industry-developed technical standards,⁴ and agrees that the new test methods are improved at measuring the potential for hearing aid interference.⁵ TIA also notes that for this success to continue, it will be absolutely essential for the Commission's Office of Engineering and Technology (OET) laboratory to issue testing guidance as quickly as possible.

TIA applauds the Commission for its use of voluntary, consensus-oriented standards in compliance regulations and for expeditiously incorporating 2011-adopted alterations to the standard. This policy spurs investment and innovation by reducing uncertainty, and furthers, among others, the Commission's goal of removing barriers to broadband infrastructure deployment.⁶ TIA encourages the Commission to further the continued success of HAC policies by adopting the newly-adopted ANSI C63.19 standard.

³ *See, e.g.*, Comments of TIA, WT Docket No. 10-254 (filed Feb. 14, 2011) at 4.

⁴ *See, e.g.*, Comments of TIA, CG Docket Nos. 10-213 and 10-145, WT Docket No. 96-198 (filed Apr. 25, 2011) at 29.

⁵ Supplemental Report and Comments of ANSI ASC C63®, WT Docket Nos. 07-250, 01-309, 06-150, at 3 (June 24, 2011).

⁶ *See* Remarks of FCC Chairman Julius Genachowski, Broadband Acceleration Conference (Feb. 9, 2011) at 1-2.

III. THE COMMISSION'S SHOULD INCORPORATE REASONABLENESS AND FLEXIBILITY PRINCIPLES INTO ITS PHASE-IN PERIOD AND DISCLOSURE REQUIREMENTS.

In the FNPRM, the Commission “tentatively conclude[s] that adoption of this new technical standard would not raise any major compliance issues or impose materially greater obligations with respect to newly covered frequency bands and air interfaces than those already imposed under Commission rules.”⁷ The Commission goes on to discuss the appropriate period for phasing in compliance.⁸ TIA wishes to note concerns shared by member companies regarding the feasibility of compliance with the 2011 standard under too short a timeline, and offers an altered proposal for the Commission’s consideration. We also strongly encourage the Commission to incorporate technical feasibility and reasonableness principles into its decisions in this matter, and allow a two year phase-in period.

In its discussion of a phase-in period, a two-year transition period is referenced, while a 12 month phase-in is proposed.⁹ TIA has concerns that the shorter phase-in period proposed may not be sufficient and therefore TIA proposes that the FCC adopt a phase-in period of two years in order to provide a reasonable time period for the MIF testing equipment to be developed and tested for compliance and for the FCC to develop and issue testing guidance. In addition, both carriers and manufacturers face a wide array of marketplace vagaries that can affect compliance. Unexpected parts shortages or changes that require production to cease can disrupt carefully laid

⁷ FNPRM at ¶ 6.

⁸ *Id.* at ¶ 8.

⁹ *Id.*

plans to maintain compliance, or require equipment modifications necessitating a Class II permissive change before shipments from the factory can resume. Transportation delays beyond the control of a manufacturer or carrier can also disrupt the ability of either to offer a particular HAC-certified model. Even unanticipated market developments, such as a last minute handset order that extends the end-of-life date for a noncompliant handset, can adversely affect a manufacturer's compliance with the HAC rules without actually diminishing the number of HAC-compliant handsets offered. These factors also can effectively prevent the introduction of new handset model while a manufacturer adjusts its product roadmap to ensure that the correct percentage is maintained.

TIA supports the Commission's proposal to continue requiring that a handset model meet ANSI technical standards over all frequency bands and air interfaces over which it operates in order to be considered HAC compliant over any air interface for (1) multi-band and/or multi-mode handset models launched after a two year phase-in period stated in the Federal Register publication of rules adopting the 2011 ANSI Standard expires and (2) handset models that only include operations covered under the 2007 ANSI Standard.¹⁰ This policy would, along with the benefits noted by the Commission in the FNPRM,¹¹ allow for a manufacturer or service provider to avoid testing for HAC under both standards during the transition period, avoiding overly-burdensome expenditures of resources in the compliance testing process, while testing for the 2011 standard can begin earlier than the end date of the phase-in period once testing and

¹⁰ *Id.* at ¶ 7.

¹¹ *Id.*

equipment and guidance are available.¹² By minimizing costs for industry during the phase-in period, the Commission will create incentives for a more expeditious implementation of HAC standards, increasing the benefit of these technical requirements to the hard of hearing communities as intended.

Finally, TIA believes that it would indeed be most appropriate to adopt the Commission's proposal not to prescribe disclosure language in this situation, but to instead rely on a general disclosure requirement backed by case-by-case resolution in the event of disputes.¹³ Such a rule will allow for the flexibility to address unique challenges and solutions, saving a consumer from generic and possibly unhelpful disclosure language.

¹² TIA also notes that, during this transition, it may be appropriate for the Commission to consider the degree to which a manufacturer or service provider is compliant with particular elements of the 2011 standard. As noted above, some aspects, such as the measurement of MIF, will be difficult to test for given the lack of availability of equipment required for this testing.

¹³ *Id.*

IV. CONCLUSION

For the foregoing reasons, TIA urges the Commission's proposal to adopt ANSI C63.19:2011, the most current version of the hearing aid compatibility standard (HAC) for wireless devices, and to allow manufacturers and service providers a two year phase-in period for the implementation of this standard, consistent with the recommendations above.

Respectfully submitted,

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