

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

In the Matter of )  
)  
Updated Information and Comment Sought on ) WT Docket No. 10-254  
Review of Hearing Aid Compatibility )  
Regulations )

To: Chief, Wireline Telecommunications Bureau

**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.<sup>1</sup> TIA and its members appreciate the opportunity to provide unique stakeholder comments on the operation and effectiveness of hearing aid compatibility (“HAC”) rules for wireless handsets. TIA is a member of American National Standards Institute C63.19® (“ANSI C63.19”),<sup>2</sup> and was fully supportive<sup>3</sup> of the Commission’s adoption of ANSI C63.19’s 2011 update to its standard for the measurement of compatibility between wireless communications devices and hearing aids.<sup>4</sup>

---

<sup>1</sup> Updated Information and Comment Sought on Review of Hearing Aid Compatibility Regulations, WT Docket No. 10-254, DA 12-1745, *Public Notice* (rel. Nov. 1, 2012) (“PN”).

<sup>2</sup> See <http://www.c63.org/>.

<sup>3</sup> See Comments of TIA, WT Docket No. 07-250 (filed Jan. 13, 2012).

<sup>4</sup> See *Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 07-250, *Third Report and Order*, 27 FCC Rcd 3732 (2012).

TIA represents the global information and communications technology (ICT) manufacturer, vendor, and supplier community 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 hundreds of 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 ANSI, and as noted above is a member of ANSI C63.19 and 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 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 one of the most effective and efficient means of addressing accessibility concerns that arise regarding technology and marketplace developments.

Below we reiterate our support for the use of the 2011 update to the technical standard developed and used for and by stakeholders to measure HAC, noting that we do not advocate any new changes to HAC regulations as wireless handset manufacturers are at this time working towards implementing the 2011 HAC standard, and that, as manufacturers and carriers do phase in the new standard, consumer education and awareness will also increase.

We also address questions posed by the Commission regarding TIA's recently developed standard for measuring volume control. We do not believe that TIA-4965 should be applied to wireless handsets at this time for technical reasons that differentiate wireless and wireline equipment, and because wireless handset HAC should be addressed through the consensus-based process of ANSI C63.19.

## **II. WIRELESS HANDSET MANUFACTURERS ARE WORKING DILIGENTLY TO IMPLEMENT THE 2011 UPDATE TO THE ANSI C63.19 STANDARD**

In the PN, the Commission first seeks comment on how newer handsets with advanced and innovative features and the increase in the amount of hearing aids equipped with telecoils affect the effectiveness of the Commission's rules to provide HAC handsets to consumers, along with questions surrounding whether marketplace changes and consumer education are adequately accounted for in the rules.<sup>5</sup> Input is also sought on the impact and adequacy of the new 2011-updated HAC standard.

As we have explained in other comments to the Commission,<sup>6</sup> we believe that voluntary consensus-based standards are a very effective tool for organizations of all sizes, private and governmental, and better support innovation as well as increased productivity. Voluntary consensus standards, in the view of TIA, are developed under the open ANSI process and provide assurance to those considering adopting the standards that the standards represent the agreement amongst a majority of key players within a sector. This process also guarantees that

---

<sup>5</sup> PN at 4.

<sup>6</sup> *See, e.g.*, Comments of TIA, CC Docket No. 94-102, WC Docket No. 05-196, PS Docket No. 07-114, PS Docket No. 10-255 (filed Jul. 5, 2012) at 23-24.

any organization or individual – including a Federal agency – has the opportunity to engage in the process and work with other stakeholders to shape the standard as needed, something that non-consensus standards cannot guarantee. TIA applauds the Commission’s decision to adopt the 2011 standard into its rules as an applicable technical standard for evaluating the HAC of wireless phones because we believe that the feasibility and necessity of any new benchmarks should reflect input from manufacturers and service providers that have had experience in deploying new models and services under the current regime and the revised standard.<sup>7</sup> TIA has also long supported the use of safe harbor rules based on industry-developed technical standards,<sup>8</sup> and believe that the new test methods are an improvement for measuring the potential for hearing aid interference.<sup>9</sup>

Many of the questions asked by the Commission are difficult to quantifiably answer because the new HAC standard was adopted so recently, and because manufacturers are now only working to integrate the new standard into design, testing, and manufacturing processes to ensure full compliance with the Commission’s rules.<sup>10</sup> However, we believe that implementation of the 2011 update will greatly help to address such market developments as new 3G and 4G handsets being more widely available and increased telecoil use in hearing aids, and many other new challenges.

---

<sup>7</sup> See, e.g., Comments of TIA, WT Docket No. 10-254 (filed Feb. 14, 2011) at 4.

<sup>8</sup> 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.

<sup>9</sup> See Supplemental Report and Comments of ANSI ASC C63®, WT Docket Nos. 07-250, 01-309, 06-150, at 3 (June 24, 2011).

<sup>10</sup> The Commission’s OET has also issued guidance on the equipment authorization requirements for HAC of mobile handsets as amended by the April 9-adopted Third Report & Order, which we believe will prove as helpful resource-saving guidance to manufacturers as they strive to implement the new standard. See Office of Engineering and Technology KDB Publication number 285076 D01 HAC Guidance v03 at <http://apps.fcc.gov/kdb/GetAttachment.html?id=Mi591K8awErRM7lYaqbzGQ%3D%3D>.

The voluntary, consensus-oriented solution reached by ANSI C63.19 was developed to address many of the market changes discussed in the PN by the Commission, and for this reason we believe that its implementation by August 18, 2013 will see increased public benefit. After implementation, if concerns arise, we believe they will be best addressed through the next iteration of the ANSI C63.19 standard. The Commission's incorporation by reference of this standard, we believe, is a solid indication that the Commission agrees with this approach. The feasibility and necessity of any new benchmarks should be reassessed after manufacturers and service providers alike have had experience in deploying new models and services under the current regime and the revised standard.

### **III. THE COMMISSION SHOULD ALLOW ALL MANUFACTURERS TO UTILIZE THE USER-CONTROLLED POWER DOWN OPTION FOR GSM HANDSETS AT 1900 MHZ**

In the PN, the Commission also requests input on, because of a change in direct measurement methodology in the 2011 update the wireless HAC standard, whether it should continue to allow for handsets operating over Global System for Mobile Communication ("GSM") at 1900 MHz to achieve an M3 rating by means of a user-controlled power reduction.<sup>11</sup> First, we believe that the new standard should not result in any changes that would diminish the allowance to employ, with appropriate disclosures, an end user-controlled software solution that decreases the maximum power of a GSM handset at 1900 MHz.<sup>12</sup> TIA believes that the Commission should reconsider its constraining the current rule permitting handset manufacturers

---

<sup>11</sup> See PN at 5.

<sup>12</sup> See 47 C.F.R. 20.19(e).

to use the GSM power down option.<sup>13</sup> Permitting all manufacturers of handsets operating over GSM at 1900 MHz to utilize the exception will not prevent devices governed by the rule from successfully becoming hearing aid compatible, and we believe that there is no basis for the current rule's restrictive nature on the record. In connection to complementing their portfolios with new technologies, manufacturers should be allowed to use the exception to provide those requiring hearing aid compatible phones with more choices. Uniform application of the exception would allow more manufacturers to offer a greater number of HAC phone options to consumers with hearing loss.

**IV. TIA'S WIRELINE TERMINAL EQUIPMENT HEARING AID COMPATIBILITY VOLUME CONTROL STANDARD SHOULD NOT BE APPLIED TO WIRELESS HANDSETS WITHOUT DETAILED STUDY THROUGH ANSI C63.19'S STANDARD DEVELOPMENT PROCESS**

The Commission also requests input on the applicability of TIA's Conversational Gain, ANSI/TIA-4965 standard, *Receive Volume Control Requirements for Digital and Analog Wireline Terminals*,<sup>14</sup> for analog and digital telephones to wireless handsets.<sup>15</sup> We do not believe that TIA-4965 should be applied to wireless handsets, and that any consideration of conversational gain in wireless HAC requirements should be appropriately channeled through the ANSI C63.19.

---

<sup>13</sup> See Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250, *Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking*, FCC 10-145 (rel. Aug. 5, 2010) at ¶¶ 51-56.

<sup>14</sup> See [http://global.ihs.com/search\\_res.cfm?RID=TIA&INPUT\\_DOC\\_NUMBER=ANSI/TIA-4965](http://global.ihs.com/search_res.cfm?RID=TIA&INPUT_DOC_NUMBER=ANSI/TIA-4965).

<sup>15</sup> See PN at 5.

TIA-4965 is a new standard intended to replace two outdated standards for wireline phones that are incorporated by reference into the Commission’s rules.<sup>16</sup> This new standard provides an improved method of measuring amplification for terminal equipment called conversational gain, which we believe is a more rational and intuitive way to measure wireline telephone speech amplification than Receive Objective Loudness Rating (“ROLR”) requirements. For terminal equipment, the use of conversational gain results in a more consistent experience of amplified gain level for hard-of-hearing consumers who purchase terminal equipment. TIA currently has a Petition for Rulemaking before the Commission that urges it to improve the access and experience of hard-of-hearing users of terminal equipment by undertaking a rulemaking to update references in Part 68 of the Commission’s rules to TIA standards which set HAC volume control requirements.<sup>17</sup> In the Petition, we explain that, given the benefits that hard-of-hearing consumers would experience and the increased regulatory certainty that would result, along with the Commission’s related focus of late on increased access for disabled communities’ access to emergency services, it is appropriate to act on our request as soon as possible. We also make clear in our Petition that this standard is intended to govern wireline telephone equipment only.

As noted above, TIA strongly endorses the multistakeholder, consensus-based standardization approach to addressing technical compliance. We consider ANSI C63.19 to be a very successful living example of this concept. Currently, wireless stakeholders heavily participate in and rely upon ANSI C63.19 – and the Commission’s incorporation of their

---

<sup>16</sup> See 47 C.F.R. § 68.317.

<sup>17</sup> See TIA Petition for Rulemaking, (filed Oct. 25, 2012), available at <http://www.tiaonline.org/sites/default/files/pages/TIA%20Petition%20for%20Rulemaking%20-%20Part%2068%20%28Terminal%20Equipment%29%20102512.pdf>.

standard – to determine the appropriate approach to HAC. The recently released TIA-4965 was developed specifically for digital and analog wireline handset terminals and does not include test procedures applicable to wireless handsets. The receive loudness ratings for wireless handsets are governed by 3GPP and 3GPP2 standards that have been developed and are specifically applicable for mobile wireless handsets. We strongly urge the Commission not to take any actions that will alter this responsive and successful approach.

Any determination on the applicability of TIA-4965 to wireless handsets will require detailed study through ANSI C63.19's standard development process. As a member of C63.19, TIA will be in a position to provide any input needed on TIA-4965 to ANSI C63.19 if there is a consensus to undertake such an examination. Until that consensus emerges and technically-safe conclusions can be drawn, we believe the Commission should be wary of blurring the bright line between wireless and wireline HAC requirements, which could cause confusion or uncertainty to those looking to comply with the Commission's regulations.



## V. REDUCING COSTS OF THE COMMISSION'S HEARING AID COMPATIBILITY REPORTING AND ENFORCEMENT REGIME

The Commission lastly requests input on “the costs and benefits of the Commission’s hearing aid compatibility reporting and enforcement regime,” and FCC Form 655 in particular.<sup>18</sup> We generally supported the recently-proposed changes to Form 655,<sup>19</sup> and believe that they 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. However in that comment we offered a number of alterations to Form 655 which would reduce the burden on persons who provide information to the Commission, particularly with respect to small entities, which we believe should be considered in response to the Commission’s general inquiry in the PN.<sup>20</sup>

Particularly, we believe that 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.<sup>21</sup> Products are 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 this process occurs. This approach of having the draft report open year around would facilitate

---

<sup>18</sup> See PN at 5-6.

<sup>19</sup> See *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.

<sup>20</sup> See Comments of TIA, *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 (filed Sept. 28, 2012), available at <http://www.tiaonline.org/sites/default/files/pages/TIA%20Comments%20-%20FCC%20Form%20655%20%28HAC%20Compliance%29%20092812.pdf>.

<sup>21</sup> See TIA Form 655 Comments at 3-4.

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 also note that this allowance would be particularly consistent with relevant portions of the Paperwork Reduction Act.<sup>22</sup>

---

<sup>22</sup> See 44 U.S.C. §§ 3506(c)(3)(C ), (E), and (J).

## **VI. CONCLUSION**

For the foregoing reasons, TIA urges the Commission to proceed consistent with the recommendations above.

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**  
1320 Court House Road  
Suite 200  
Arlington, VA 22201  
(703) 907-7700

January 22, 2013