

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Request For Updated Information And	)	WT Docket No. 07-250, 10-254
Comment on Wireless Hearing Aid	)	
Compatibility Regulations	)	
	)	
	)	

**REPLY COMMENTS OF  
THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

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The Telecommunications Industry Association (“TIA”)<sup>1</sup> hereby submits these reply comments in response to the Federal Communications Commission’s (“Commission”) Public Notice in this proceeding.<sup>2</sup>

**I. THE CURRENT SCOPE OF THE HEARING AID COMPATIBILITY (“HAC”) RULES IS EFFECTIVE, ENABLING A HIGHER PERCENTAGE OF HAC-COMPLIANT DEVICES IN THE MARKETPLACE WHILE FACILITATING MANUFACTURER INNOVATION.**

**A. TIA Reiterates That Wireless Handset Manufacturers Have Incorporated, And Continue To Incorporate HAC Considerations In Their Design Portfolios Including For New Technologies Like VoLTE.**

TIA reemphasizes that manufacturers of wireless handsets with CMRS capabilities are committed to ascertaining and responding to the needs of consumers with disabilities including deaf and hard of hearing individuals.<sup>3</sup> TIA members have made, and will continue to make, significant efforts to ensure that hearing aid compatibility considerations are incorporated into the CMRS wireless handset design process in new product cycles and for new wireless interfaces, to the extent technically feasible. In the PN, the Commission suggests that the Section 20.19 rules need to be updated to ensure the design of hearing aid compatible mobile wireless handsets include new wireless technologies.<sup>4</sup> Similarly, a number of commenters expressed the

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<sup>1</sup> TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy a wide variety of devices with the goal of making technology accessible to all Americans. TIA’s standards committees, which operate under an American National Standards Institute-accredited process, create consensus-based voluntary standards for numerous facets of the ICT industry.

<sup>2</sup> *Request for Updated Information and Comment on Wireless Hearing Aid Compatibility Regulations*, Public Notice, WT Docket No. 07-250, 10-254, DA 14-1688 (rel. Nov. 21, 2014) (“PN”).

<sup>3</sup> See e.g., Comments of TIA, CG Docket No. 10-213 (filed July 15, 2014); Comments of TIA, WT Docket Nos. 07-250, 10-254 (filed Feb. 5, 2015).

<sup>4</sup> See PN ¶ 7-9.

misunderstanding that wireless handsets are not being developed with HAC considerations at the outset of the design process and that new technologies are not being made compatible.<sup>5</sup>

TIA members, however, were fully supportive of the Commission's adoption of the ANSI C63.19-2011 standard update<sup>6</sup> to expand the scope of technologies that must be HAC-compliant and they continue to support HAC for consumers who are hard of hearing. Further, the Mobile Manufacturers Forum ("MMF") cites to a study indicating that since 2004, hearing aid consumers in the United States have reported a statistically significant improvement in their listening experience with cell phones.<sup>7</sup> The record in the proceeding reaffirms wireless handset manufacturers' commitment to enhancing the access of hard of hearing individuals to new technologies and provides strong support for the conclusion that under the existing HAC rules, manufacturers have made significant gains towards ensuring that more of their products are HAC-compliant.<sup>8</sup>

Under the ANSI C63.19-2011 standard for applying the section 20.19 rules, the scope of technologies covered under HAC regulations has continued to expand to include new wireless technologies, including VoLTE, to the extent it can be accomplished in a technologically feasible and efficient manner. While wireless handset manufacturers have made significant efforts to incorporate HAC into some new technologies like VoLTE, TIA and its members strongly believe

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<sup>5</sup> See e.g., Consumer Group Comments at 3; Comments of Deaf/Hard of Hearing RERC, WT Docket Nos. 07-250, 10-254 (filed Feb. 5, 2015) at 5.

<sup>6</sup> See <http://www.c63.org/>.

<sup>7</sup> See MMF Comments at 9.

<sup>8</sup> See Comments of CTIA-The Wireless Association, WT Docket Nos. 07-250, 10-254 (filed Feb. 5, 2015) ("CTIA Comments") at 4-6; Comments of Mobile Manufacturers Forum, WT Docket Nos. 07-250, 10-254 (filed Feb. 4, 2015) (MMF Comments) at 4.

that other newer technologies could raise unique technical feasibility issues<sup>9</sup> that limit the ability to effectively expand the scope of the rules.

**B. TIA Agrees With The Broad Support For The “Devices Typically Held To The Ear” Standard To Assess The Applicability Of Wireless HAC Rules But The Current Limitation To CMRS Devices Must Be Maintained.**

In its comments to the PN, TIA stated that the standard applying the rules to devices that “provide 2-way voice communication via a built-in speaker intended to be held to the ear”<sup>10</sup> continues to be appropriate for considering what device categories must comply with the Commission’s HAC requirements.<sup>11</sup> Wireless devices that may allow voice communications but are not typically held to the ear should not be included as it would be overly burdensome and inhibit innovation in other device areas. The record in this proceeding indicates broad support for the “typically held to the ear” limitation as the appropriate standard to use in the HAC regulatory environment.<sup>12</sup> However, contrary to the views of some commenters, TIA believes the additional limitation of the rules to CMRS devices<sup>13</sup> remains necessary and that the Commission should not

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<sup>9</sup> As CTIA notes in its comments, “[t]here may be some handsets with highly innovative features, including features that enable accessibility that would not be HAC-compliant, at least until technical standards are developed for those newer technologies, as was the case with VoLTE.” CTIA Comments at 11. Thus, these technical challenges could result in manufacturers choosing to keep those devices out of the marketplace completely. This would be harmful to all consumers.

<sup>10</sup> See Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.) (“CVAA”). 47 U.S.C. § 610(b)(1)(C); 47 C.F.R. § 20.19(a)(3).

<sup>11</sup> See TIA Comments at 7 (“[A]ny wireless device that is not designed to be used in a statutorily designated manner, as a device typically held to the ear is not appropriate for inclusion in the HAC rules.”).

<sup>12</sup> See CTIA Comments at 10; Comments of American Speech-Language Hearing Association, WT Docket Nos. 07-250, 10-254 (filed Feb. 4, 2015) at 1; see also Deaf/Hard of Hearing RERC Comments at 2 (defining “functionally equivalent” as a portable two-way speech communication device having a built-in speaker for receiving audio that is intended for positioning against the user’s head and is capable of manually positioned for best sound reception”); Comments of Hearing Industries Association, WT Docket Nos. 07-250, 10-254 (filed Feb. 5, 2015) at 2 (“[T]he regulatory focus should be on situations where a communications device is held up to the ear (and thus close to the hearing aid) to enable the user to hear speech.”).

<sup>13</sup> See 47 C.F.R. § 20.19(a).

expand the scope to non-CMRS devices. Some non-CMRS wireless handsets may not be appropriate for HAC obligations based on their design intent and additionally, the specific technical considerations of expanding the rules beyond CMRS are not yet fully understood.

Thus, TIA urges the Commission to disregard comments seeking to expand the scope of HAC rules and those indicating that such changes would be workable as long as the Commission simply used a multi-phase implementation approach with a proper phase-in period.<sup>14</sup> As noted above, there are technical challenges that will impact the expansion of the rules and until the technical specifics are better understood, the current framework of the Section 20.19 rules using the “devices typically held to the ear” standard limited to CMRS wireless handsets remains appropriate.

**II. ULTIMATELY, A 100 PERCENT HAC COMPLIANCE REGIME WOULD HAVE A NET NEGATIVE IMPACT ON THE ENTIRE WIRELESS DEVICE ECOSYSTEM FOR ALL CONSUMERS.**

TIA strongly reiterates that the adoption of a 100 percent compliance regime requiring manufacturers to design HAC features into all wireless handsets would have a net negative impact on the entire wireless device ecosystem. A rule change of this scope would result in consequences for manufacturing cost and the scope of handset designs that are developed and made available for sale to all consumers.<sup>15</sup> Further, as MMF explains, a 100 percent compliance regulatory framework would not necessarily improve consumer experience because it does not

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<sup>14</sup> See Comments of Rural Wireless Association, WT Docket Nos. 07-250, 10-254 (filed Feb. 5, 2015) at 2-3.

<sup>15</sup> See CTIA Comments at 10-11 (opposing elimination of the fractional compliance regime); MMF Comments at 5-8.

consider other key factors like “an individual’s particular hearing profile and the quality of the hearing aid.”<sup>16</sup>

The rapid pace of innovation in the wireless handset marketplace requires manufacturers to provide an array of devices with unique features to be competitive. Thus, considerations of HAC at the early stages of design, which is already happening, would not present any economies of scale that would make it easier to meet a 100 percent HAC requirement, contrary to the assumptions of the Deaf/Hard of Hearing RERC.<sup>17</sup>

**III. CONSUMER KNOWLEDGE REGARDING WIRELESS HAC IS CRUCIAL TO IMPROVED CONSUMER EXPERIENCE THEREFORE THERE MUST BE A COMMITMENT ON THE PART OF HEARING AID, NOT JUST HANDSET, MANUFACTURERS TO PROVIDE HAC RATING INFORMATION.**

There is broad agreement by commenters in this proceeding that consumer understanding regarding wireless HAC is crucial to their experience with a hearing aid and its interaction with their wireless handset.<sup>18</sup> The Wireless RERC notes that their survey data indicated that consumers face a knowledge burden as it relates to finding a handset that works effectively with their hearing aid.<sup>19</sup> TIA generally agrees that consumer access to information about their device features and what that means would profoundly change the way they experience HAC technologies.

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<sup>16</sup> MMF Comments at 6.

<sup>17</sup> See Deaf/Hard of Hearing RERC Comments at 5.

<sup>18</sup> See, e.g., Comments of the Georgia Institute of Technology Center for Advanced Communications Policy and the Rehabilitation Engineering Research Center Wireless RERC, WT Docket Nos. 07-250, 10-254 (filed Jan. 22, 2015) (“Wireless RERC Comments”) at 3-4; Comments of Hearing Loss Association of America et al., WT Docket Nos. 07-250, 10-254 (filed Feb. 5, 2015) (“Consumer Group Comments”) at 4.

<sup>19</sup> See Wireless RERC Comments at 4.

Manufacturers are required under Section 20.19 to provide information about their handsets' HAC capabilities and are currently meeting that requirement through several avenues. For example, manufacturers' websites serve as an important avenue by which they disseminate information on product models and HAC ratings. Wireless handset manufacturers are also voluntarily providing information on the accessibility features of their devices through the MMF Global Accessibility Reporting Initiative (GARI) database. The GARI is freely available to the public on the web and allows consumers to search for devices and apps based on their specific hearing needs. Thus, the wireless industry has made efforts to provide consumers immediate, up-to-date information about wireless handset HAC ratings.<sup>20</sup>

However, as TIA stated in its comments, "the hearing aid device itself is a key component of the wireless HAC equation"<sup>21</sup> and yet consumers often do not know the rating of their hearing aid as this information is rarely published, which is a significant inhibiting factor to a positive consumer experience with hearing aid compatibility. It is imperative that hearing aid manufacturers, as a key component of the HAC equation, take appropriate steps to ensure that consumers have easy, diverse access to the information they need to ensure they make informed device choices. Even the Consumer Groups state that "typically the user only knows that the hearing aid has a rating of at least M/T2, so consumers are sometimes in the position of trying many phones before they find one that makes a good connection with their own hearing

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<sup>20</sup> See MMF Comments at 6 (discussing the number of different venues consumers can go to gain HAC information about wireless handsets).

<sup>21</sup> TIA Comments at 10.



device(s).”<sup>22</sup> This supports the fact that hearing aid manufacturers are part of the information deficit problem.

To date, the large portion of the regulatory responsibility to ensure consumers have a positive experience with HAC has been shouldered by the wireless industry, both carriers and manufacturers. However, the issue of hearing aid compatibility with wireless handsets requires consideration of all aspects of the ecosystem. TIA supports CTIA’s request that the Commission “develop a record that clearly demonstrates the steps hearing aid device industry is taking to educate their customers about the HAC rating system”<sup>23</sup> because “hearing aid compatibility is an ecosystem that requires a careful balance between wireless and hearing aid technologies.”<sup>24</sup> Furthermore, as MMF states, the Commission needs to work with its regulatory counterpart, the Food and Drug Administration, to understand the efforts of both types of device manufacturers and more effectively resolve any issues it believes need to be addressed.<sup>25</sup>

#### **IV. CONCLUSION**

In conclusion, TIA agrees with CTIA that if the Commission plans to make any changes to the existing HAC regulatory framework, it must promulgate a notice of proposed rulemaking to ensure there can be a full record to understand and support any changes.<sup>26</sup> We stand ready to work with the Commission in ensuring that HAC

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<sup>22</sup> Consumer Groups Comments at 4.

<sup>23</sup> CTIA Comments at 7.

<sup>24</sup> *Id.*

<sup>25</sup> *See* MMF Comments at 12.

<sup>26</sup> *See* CTIA Comments at 11-12.

requirements meet consumer needs while being applied in the most appropriate and feasible way.

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