

November 12, 2015

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Ex Parte* Letter – Request For Updated Information And Comment on Wireless Hearing Aid Compatibility Regulations, WT Docket Nos. 07-250, 10-254

Dear Ms. Dortch:

Competitive Carriers Association, CTIA – The Wireless Association<sup>®</sup>, the Hearing Loss Association of America, the National Association of the Deaf, Telecommunications for the Deaf and Hard of Hearing, and the Telecommunications Industry Association, representing people who use hearing aid devices and the wireless industry, submit this consensus proposal in response to Chairman Wheeler’s recent request for a consensus path to ensure that all wireless handsets are accessible to and usable by people who use hearing aid devices. Over many years, the wireless industry and the deaf and hard of hearing community have worked collaboratively to overcome significant technical and educational challenges to address hearing aid compatibility with wireless handsets. As a result of industry innovation and collaboration with the deaf and hard of hearing community, the majority of wireless handsets offered by manufacturers and service providers today are Hearing Aid Compatible (“HAC”).

In order to advance access for people who use hearing aid devices, we agree that hearing aid compatibility for all wireless handsets is our collective goal. We also agree that the Commission’s regulations must balance this goal with the ability to encourage innovations that can benefit all people with disabilities. With these principles in mind, we agree that the Commission should incorporate the following terms into its forthcoming Notice of Proposed Rulemaking (“NPRM”). In the spirit of continuing collaboration, the undersigned agree that the terms discussed in this letter should form the basis of the FCC’s NPRM. However, we reserve the right to modify and refine these terms and to address other issues through further dialogue and collaboration where possible.

***Enhanced Benchmarks for HAC Wireless Handsets***

Within two years of the effective date of new rules adopted, 66% of wireless handsets offered to consumers should be compliant with Sections 20.19(b)(1) and (b)(2).<sup>1</sup>

---

<sup>1</sup> This benchmark should directly apply to manufacturers and carriers that offer six or more digital wireless handsets in an air interface, with additional compliance periods for Tier I and Non-Tier I carriers of six months and eighteen months, respectively, to account for carriers’ availability of handsets and inventory turn-over rates. The existing de minimis exception should continue to apply for manufacturers and carriers that offer three or fewer handset models

Within five years of the effective date of new rules adopted, 85% of wireless handsets offered to consumers should be compliant with Sections 20.19(b)(1) and (b)(2).<sup>2</sup>

### ***HAC for All Wireless Handsets***

The Commission should commit to pursue that 100% of wireless handsets offered to consumers should be compliant with Sections 20.19(b)(1) and (b)(2) within eight years of the effective date at the time the benchmarks described above are established, subject to a determination by the Commission within seven years of the effective date at the time those benchmarks are established, that reaching the goal is achievable, based on the following process:

- Creating a task force, including all stakeholders, identifying questions for exploration in year four after the effective date that the benchmarks described above are established. After convening, the stakeholder task force will issue a report to the Commission within two years.
- The Commission, after review and receipt of the report described above, will determine whether to implement 100% compliance with Sections 20.19(b)(1) and (b)(2) based on concrete data and information about the technical and market conditions involving wireless handsets and the landscape of hearing improvement technology collected in years four and five. Any new benchmarks resulting from this determination, including 100% compliance, would go into effect no less than twenty-four months after the Commission's determination.
- Consumer groups and the Wireless Industry shall work together to hold meetings going forward to ensure that the process will include all stakeholders: at a minimum, consumer groups, independent research and technical advisors, wireless industry policy and technical representatives, hearing aid manufacturers and Commission representatives.

### ***Enable Innovation to Benefit All People, Including People with Disabilities***

The Commission should seek comment in the NPRM on how the FCC's rules should be modified to ensure manufacturers and service providers meet the new benchmarks while preserving the ability to offer innovative wireless handsets in a rapidly changing market. For example, the Commission should seek comment on whether wireless handsets can be deemed compliant with the HAC rules through means other than by measuring RF interference and inductive coupling. In addition, the Commission should seek comment on which compliance processes, such as waivers, should be modified to accommodate innovation and carriers', especially rural and regional carriers', handset inventories and turn-over rates, within a compliance regime with the enhanced benchmarks described above. The Commission also should seek comment on whether disclosures to consumers could serve as a means of compliance for wireless handsets utilizing new air interfaces or technologies where HAC standards or testing

---

in an air interface and manufacturers and carriers that offer four or five digital wireless handsets in an air interface should ensure that at least two of those handset models are compliant with Sections 20.19(b)(1) and (b)(2). In addition, these benchmarks should only be applicable if testing protocols are available for a particular air interface.

<sup>2</sup> *Id.*

protocols are not yet available. In addition to examining the effect on innovation, the Commission should seek comment on the impact of the new benchmarks on U.S. product offerings.

The Commission should also seek comment on the best ways to improve collaboration on consumer education including but not limited to: making information about the HAC ratings of wireless handsets and hearing aids more easily discoverable and accessible by consumers as well as how HAC information should be updated on websites in a timely manner that is usable by consumers. The Commission should also request comment on how the hearing aid industry and other relevant stakeholders should take measures to ensure that consumers have improved access to the HAC ratings of hearing aids.

The undersigned organizations are pleased to submit this consensus proposal to the Commission. We pledge to continue discussions to reach agreed upon further details necessary to effectuate our shared commitment to providing accessible wireless services and equipment to all Americans, including people who use hearing aid devices. We urge the Commission to incorporate the terms of this proposal into its upcoming NPRM.

Sincerely,

James Reid  
Senior Vice President, Government Affairs  
Telecommunications Industry Association

Anna Gilmore Hall  
Executive Director  
Hearing Loss Association of America

Scott Bergmann  
Vice President, Regulatory Affairs  
CTIA-The Wireless Association®

Claude Stout  
Executive Director  
Telecommunications for the Deaf and  
Hard of Hearing

Rebecca Murphy Thompson  
General Counsel  
Competitive Carriers Association

Howard A. Rosenblum  
Chief Executive Officer  
National Association of the Deaf