

November 8, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Ex Parte Presentation, Revisions to Reporting Requirements Governing Hearing Aid Compatible Mobile Handsets, WT Docket No. 17-228

Dear Ms. Dortch,

On November 6 and 7, 2018, Alexi Maltas and Courtney Neville of Competitive Carriers Association, Kara Graves of CTIA, and Savannah Schaefer of Telecommunications Industry Association (“wireless industry representatives”) spoke by phone separately with Rachael Bender of the Office of Chairman Ajit Pai, Erin McGrath of the Office of Commissioner Michael O’Rielly, Jamie Susskind of the Office of Commissioner Brendan Carr, and Travis Litman of the Office of Commissioner Jessica Rosenworcel regarding the above-captioned proceeding. A full list of meeting participants is attached to this letter.

During the calls, the wireless industry representatives expressed general support for the Commission’s Draft Hearing Aid Compatibility (“HAC”) Form 655 Report and Order (“Draft Order”).¹ The Draft Order is largely consistent with a recent letter filed by the wireless industry representatives and the Hearing Loss Association of America, which recommended a consensus approach to ensure “the Commission can continue to have access to the status of compliance with the Commission’s HAC requirements, while at the same time enhancing consumers’ ability to make informed choices about HAC-rated wireless handsets in ways that are more accessible, up-to-date, and user-friendly than the FCC Form 655.”² The wireless industry representatives reaffirmed their support for the Joint Letter, including the certification, recordkeeping, and website proposals. The wireless industry representatives also expressed support for the Draft Order’s recognition that flexibility is needed to ensure service providers can offer relevant information on

¹ *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Draft Report and Order, FCC-CIRC1811-11, WT Docket No. 17-228 (draft rel. Oct. 25, 2018) (“Draft Order”).

² Letter from Courtney Neville, Competitive Carriers Association; Kara Graves, CTIA; Lise Hamlin, Hearing Loss Association of America; and Savannah Schaefer, Telecommunications Industry Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-228 (filed Oct. 19, 2018) (“Joint Letter”).

their websites to serve the needs of consumers.³ Finally, we noted that certain provisions in the Draft Order—specifically, the certification requirements—should be modified to ensure consistency with the Joint Letter and with the Commission’s precedent regarding certification of compliance with accessibility-related obligations.⁴ The wireless industry representatives reiterated that their members are committed to complying with the HAC rules—both existing requirements and the new certification, recordkeeping, and disclosure obligations outlined in the Draft Order. The narrowly-tailored modifications we requested in our letter dated November 2, 2018 will create consistency with existing accessibility compliance requirements without undermining that commitment.

* * * * *

The wireless industry representatives agree that the Commission can and should eliminate service providers’ FCC Form 655 obligations and replace them with common sense reforms. A new disclosure and certification regime will better ensure the Commission and consumers have relevant information about HAC compliance and the state of the wireless marketplace, as well as reduce unnecessary regulatory burdens. With minor adjustments proposed in the Industry November 2 Letter, the Draft Order can achieve both goals.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed in ECFS and provided to the Commission participants. Please do not hesitate to contact the undersigned with any questions.

³ See, e.g., Draft Order ¶ 25 (noting that requiring service providers to post additional information on their websites beyond what is required in the existing rules and the Draft Order is “not necessary to fulfill the purpose of our reforms and therefore would impose an unjustified burden” and “would overly restrict providers’ flexibility to design and administer their sites without any clearly demonstrated benefit”); see also Letter from D. Cary Mitchell, Counsel for The Blooston Rural Carriers, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-228, at 4-6 (filed Oct. 25, 2018). This is particularly true given that the existing HAC rules require disclosures regarding HAC ratings (47 C.F.R. § 20.19(h)) and that the proposed new rules would require HAC websites to be updated within 30 days of any relevant changes.

⁴ See Letter from Courtney Neville, Competitive Carriers Association; Kara Graves, CTIA; and Savannah Schaefer, Telecommunications Industry Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-228 (filed Nov. 2, 2018), <https://ecfsapi.fcc.gov/file/1102907006226/181102%20Industry%20HAC%20Form%20655%20Ex%20Parte.pdf> (“Industry November 2 Letter”).

Sincerely,

/s/ Courtney Neville

Courtney Neville
Associate General Counsel
Competitive Carriers Association

/s/ Kara Graves

Kara Graves
Director, Regulatory Affairs
CTIA

/s/ Savannah Schaefer

Savannah Schaefer
Policy Counsel, Government Affairs
Telecommunications Industry Association

cc: Rachael Bender
Travis Litman
Erin McGrath
Jamie Susskind

Conference Call Participants

November 6, 2018

Erin McGrath, Office of Commissioner Michael O’Rielly
Alexi Maltas, Competitive Carriers Association
Courtney Neville, Competitive Carriers Association
Kara Graves, CTIA
Savannah Schaefer, Telecommunications Industry Association

Jamie Susskind, Office of Commissioner Brendan Carr
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Travis Litman, Office of Commissioner Jessica Rosenworcel
Alexi Maltas, Competitive Carriers Association
Courtney Neville, Competitive Carriers Association
Kara Graves, CTIA

November 7, 2018

Rachael Bender, Office of Chairman Ajit Pai
Alexi Maltas, Competitive Carriers Association
Courtney Neville, Competitive Carriers Association
Kara Graves, CTIA
Savannah Schaefer, Telecommunications Industry Association