

November 2, 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 October 31, 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 with Garnet Hanly and Jonathan Lechter of the Wireless Telecommunications Bureau regarding the above-captioned proceeding.

During the call, the wireless industry representatives expressed general support for the Commission’s Draft Hearing Aid Compatibility (HAC) Form 655 Order.<sup>1</sup> The common sense approach to replace service providers’ existing FCC Form 655 obligations with a new disclosure and certification regime will better ensure that the Commission and consumers have timely and relevant information to choose among the hundreds of HAC-rated wireless handsets available in the market today, while reducing unnecessary regulatory burdens. As the Draft Order notes, the FCC Form 655 reports “provide little benefit as a monitoring and compliance tool” and “the costs of reporting are no longer justified” given the high level of compliance with the HAC rules.<sup>2</sup>

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.”<sup>3</sup> The wireless industry representatives

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<sup>1</sup> *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”).

<sup>2</sup> Draft Order ¶¶ 37-39.

<sup>3</sup> 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”).

reaffirmed their support for the Joint Letter, including the certification, recordkeeping, and website proposals. However, they 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.

To that end, the wireless industry representatives suggested that the Commission amend the certification to better align with both by updating the text to: (1) state that the certification may be signed by a “knowledgeable executive” or “official of the reporting entity or authorized agent,” consistent with language currently used for signatures on the FCC Form 655,<sup>4</sup> and (2) require certification that the entity “has established operating procedures that are adequate to ensure compliance with Section 20.19 of the Commission’s rules,” consistent with language currently used for certifications of compliance with the Communications and Video Accessibility Act.<sup>5</sup>

Additionally, the wireless industry representatives requested clarification regarding the new website and record retention policies. The Draft Order speaks to external website *posting* requirements in paragraph 50 and internal document *retention* requirements in paragraph 51. To clarify the intent of those provisions and to eliminate uncertainty, the wireless industry representatives encouraged the Commission to (1) clarify in paragraph 50 of the Draft Order that service providers may satisfy the requirement to make information available about older handset models through a link to the GARI database, and (2) eliminate references to information “retention” in that text, as the website “posting” requirement is already covered in paragraph 50.<sup>6</sup>

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<sup>4</sup> See FCC Form 655 Instructions, <http://wireless.fcc.gov/hac/FCCForm655Instructions.pdf> (requiring certification by “an official of the reporting entity or an authorized agent”); see also Joint Letter at Appendix B.

<sup>5</sup> See, e.g., FCC Recordkeeping Compliance Certification and Contact Information Registry, <https://apps.fcc.gov/rccci-registry/login!input.action> (requiring certification that “the entity has established operating procedures that are adequate to ensure compliance with the Commission’s recordkeeping rules”); see also Joint Letter, Appendix A. Combining these requests, the relevant revised text in paragraph 29 and draft Rule 20.19(i)(3)(vi) could thus read: “As ~~an officer~~ [a knowledgeable executive/an official of the reporting entity or authorized agent] of a wireless service provider covered by the wireless hearing aid compatibility provisions of the Federal Communications Commission’s rules, I certify that ~~I have personal knowledge that the provider was~~ [(in full compliance)/(not in full compliance)] [choose one] at all times during the applicable time period ~~with the Commission’s wireless hearing aid compatibility deployment benchmarks and all other relevant wireless hearing aid compatibility requirements~~ the entity has established operating procedures that are adequate to ensure compliance with Section 20.19 of the Commission’s rules.”

<sup>6</sup> The relevant revised text in paragraph 50 could thus read: “We also provide for a transition for the revised web site deployment obligations. Thirty days following publication in the Federal Register of a notice that OMB has approved the information collection requirements related to the new web site posting rule, service providers will be required to post ~~and/or retain~~ the prescribed handset model information. This information will include posting all handsets currently offered, and either posting ~~or retaining~~ information on those handsets offered starting January 1, 2018 and thereafter or posting a link to the GARI website.”

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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 the minor adjustments proposed here, 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.

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  
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cc: Garnet Hanly  
Jonathan Lechter